Engrav'd by W. Sharp, from an Original Picture

London, Published according to Act of Parliament Feb.ʳʸ 22.ᵈ 1780.

THE

CONSTITUTIONS

OF THE SEVERAL

INDEPENDENT STATES

OF

AMERICA;

THE

DECLARATION OF INDEPENDENCE;

AND THE

ARTICLES OF CONFEDERATION

BETWEEN THE SAID STATES.

TO WHICH ARE NOW ADDED, THE

DECLARATION OF RIGHTS;

THE

NON-IMPORTATION AGREEMENT;

AND THE

PETITION OF CONGRESS TO THE KING

DELIVERED BY MR. PENN.

WITH AN

APPENDIX,

CONTAINING THE

TREATIES BETWEEN HIS MOST CHRISTAN MAJESTY AND THE UNITED STATES OF AMERICA;

THE

PROVISIONAL TREATY WITH AMERICA;

AND (*NEVER BEFORE PUBLISHED*)

AN AUTHENTIC COPY OF THE TREATY CONCLUDED BETWEEN THEIR HIGH MIGHTINESSES THE STATES-GENERAL, AND THE UNITED STATES OF AMERICA.

THE WHOLE ARRANGED, WITH A

PREFACE AND DEDICATION,

By the Rev. WILLIAM JACKSON.

LONDON:

Printed for J. STOCKDALE, in Piccadilly. 1783.

33205

S 973
C 766

CONTENTS.

	Page
DEDICATION	iii
Preface	v
American State Papers; including	viii
—— Declaration of Rights	ibid.
—— Non-Importation Agreement	xv
—— Laſt Petition to the King	xxiii
Declaration of Independence	1
Articles of Confederation and Perpetual Union between the States of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia	10
Conſtitution of New-Hampſhire	30
Conſtitution of Maſſachuſetts-Bay	36
Charter of Rhode-Iſland	100
Conſtitution of Connecticut	132
Conſtitution of New-York	139
Conſtitution of New-Jerſey	166
Conſtitution of Pennſylvania	179
Conſtitution of Delaware	212
Conſtitution of Maryland	235
Conſtitution of Virginia	280

33205

Conſtitution of North-Carolina - 291
Conſtitution of South-Carolina - 314
Conſtitution of Georgia - - 344
Treaty of Amity and Commerce between his Moſt Chriſtian Majeſty and the Thirteen United States of America - - 401
Treaty of Alliance Eventual and Defenſive between his Moſt Chriſtian Majeſty and the Thirteen United States of America - - - 431

APPENDIX.

Treaty of Amity and Commerce between their High Mightineſſes the States General of the United Netherlands and the United States of America 443
Convention between the Lords the States-General of the United Netherlands and the United States of America concerning Veſſels recaptured 463
Authentic Copy of the Proviſional Articles ſigned at Paris, Nov. 30, 1782, *by the Commiſſioners of his Britannick Majeſty and the Commiſſioners of the United States of America* - 466
A Liſt of Preſidents of the American Congreſs, arranged in the Order of Time and Succeſſion 473

PREFACE.

TO

HIS GRACE

THE

DUKE of *PORTLAND.*

My Lord,

THE Conſtitutions of free States are ſafe in the hands of a friend of Liberty. No diſpoſition to alter thoſe ſacred records will ever be diſcovered on the part of your Grace. The political principles cheriſhed by you, are favourable to the rights of Nature—to the happineſs of our ſpecies; and conformable to ſuch princi-

ples, your Grace's conduct has been amiably diſintereſted, and exemplarily uniform.

Beloved for a benevolence of nature, revered for integrity of ſentiment, Your Grace muſt expect that every perſon of honour in the kingdom will be warm in your eulogium. However you may ſhun applauſe, yet you cannot help deſerving it; and while goodneſs of heart ſhall extort eſteem, the DUKE of PORTLAND will command the veneration of mankind.

For the benefit of a diſtracted, if not devoted Country, it muſt be the wiſh of the moſt reſpectable characters, that Your Grace ſhould long continue the effective adminiſtration of public affairs. The people at large are ſo thoroughly convinced of the rectitude of Your Grace's intentions, that implicit confidence is the tribute they moſt chearfully

fully pay to your virtue. Plain ſenſe and common honeſty, my Lord, are perfectly ſatisfied: It is only caſuiſtry, ſcepticiſm, and diſappointed ambition, which propoſes doubts as palliatives of rudeneſs, as excuſes for cavil, or pretenſions to cenſure.

I have the honour to be,

My Lord,

Your Grace's moſt obedient,

and devoted ſervant,

WILLIAM JACKSON.

Lyon's Inn, May 8, 1783.

PREFACE.

A CORRECT Edition of the Conſtitutions of the Confederated States of North-America being propoſed, it was judged an object of utility to incorporate other authentic papers relatively connected with the ſubject. However well-informed the preſent age may be, poſterity will be curious to examine, not only the code of Continental Laws, but alſo to trace thoſe progreſſive ſteps by which dependent Colonies aſcended to the rank of Sovereign States. To aſſiſt impartial inveſtigation in this particular, a ſelection of the moſt conſequential records is ſubmitted to the Public, diſpoſed in ſuch a ſeries as to bear the mutual relation to each other of cauſe and effect.

The Papers now exhibited acquire additional importance from the recognition of the Independence of America on the part of Great-Britain. All offenſiveneſs in the matter is obliterated. What was formerly treaſon, is

now juſtifiable aſſertion; and even the famous Declaration of Independence, ſo pointed againſt an exalted Perſonage, is no more than republican complaint furniſhing the ground-work of ſovereignty. Offended with Royalty, Congreſs renounce allegiance; and, confeſſing by implication that the offence was well-founded, Majeſty ſanctions every *iota* in the Declaration of Independence; generouſly acquieſces in the cenſures it contains, and deigns to conſider the authors as the ſovereigns of an extenſive empire! The annals of Chriſtian forgiveneſs cannot produce a parallel.

With reſpect to the American Conſtitutions, it is obſervable that they differ in many particulars, ſome participating more, others leſs, of the nature of a pure democracy; but they are all valuable, becauſe all favourable to Liberty. The Legiſlators ſeem to have been ſedulouſly attentive to avoid the defects, and to adopt the excellencies of the Engliſh Conſtitution; and, in proportion as this has been accompliſhed, America may promiſe herſelf duration of empire. Thinking, with honeſt Henry Marten, "*one man not wiſe enough to*

"*govern*

"*govern them all**," the Americans framed Conſtitutions for the government of themſelves; and, as their councils have hitherto been actuated by the ſpirit of wiſdom, not a doubt can exiſt of their attaining the ſummit of political happineſs.

It would be obtruſive on the good ſenſe of the reader, to anticipate the reflections that will naturally occur, on a peruſal of the following pieces. In them may be traced the origin of a deſtructively inglorious war, which began in tyranny, and ended in the unhappy diſmemberment of the empire. By a retroſpective view of paſt calamities, future evils may be avoided; and, the Petition brought over by Mr. Penn, the Declaration of Independence, but, above all, the humiliating Treaties ſubjoined to this work, may ſerve as admonitory cautions to Monarchs and Miniſters how they reject the Petitions, provoke the reſentments, or infringe the liberties of a brave and free people.

The arm of reſiſtance ſhould ever prevail, when directed againſt the heart of tyranny.

* "*I do not think one man wiſe enough to govern us all.*"
HENRY MARTEN to EDWARD HYDE.

AMERICAN STATE PAPERS.

WITHOUT infringing the province of Hiſtory, by entering into the origin of the unhappy rupture with America, the meaſures adopted by the Colonies *after* the diſpute commenced, may be thus conciſely ſtated.

On the 5th of September, 1774, a Continental Congreſs, conſiſting of Deputies from the reſpective Colonies, aſſembled at Philadelphia; and on the 10th of October, they agreed on the following

DECLARATION OF RIGHTS.

THE good people of the ſeveral Colonies of New Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, and Providence Plantations, Connecticut, New York, New Jerſey, Pennſylvania, Newcaſtle, Kent, and Suſſex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, alarmed at the arbitrary proceedings of the Britiſh Parliament and Adminiſtration, having ſeverally elected deputies to meet and ſit in General Congreſs in the city of Philadelphia, and thoſe deputies ſo choſen being aſſembled on the 5th day of September, after ſettling ſeveral neceſſary preliminaries, proceeded to take into their moſt ſerious conſideration the beſt means of attaining the redreſs of grievances. In the firſt place, they, as Engliſhmen, their anceſtors, in like caſes, had uſually done, for aſſerting and vindicating their rights and liberties, DECLARE,

That the inhabitants of the Engliſh Colonies in North America, by the immutable laws of nature, the principles of the Engliſh Conſtitution, and the ſeveral Charters or Compacts, have the following RIGHTS:—

Reſolved,

Reſolved, *nem. con.* 1. That they are entitled to life, liberty, and property; and have never ceded, to any ſovereign power whatever, a right to diſpoſe of either without their conſent.

Reſolved, *n. c.* 2. That our anceſtors were, at the time of their emigration from the Mother-Country, entitled to all the rights, liberties, and immunities, of free and natural-born ſubjects within the realm of England.

Reſolved, *n. c.* 3. That, by ſuch emigration, they neither forfeited, ſurrendered, nor loſt, any of thoſe rights.

Reſolved, 4. That the foundation of Engliſh liberty, and of all free government, is a right in the people to participate in their Legiſlative Council; and as the Engliſh Coloniſts are not repreſented, and, from their local and other circumſtances, cannot properly be repreſented in the Britiſh Parliament, they are entitled to a free and excluſive power of legiſlation, in their ſeveral Provincial Legiſlatures, where their right of repreſentation can alone be preſerved, in all caſes of taxation and internal polity, ſubject only to the negative of their Sovereign, in ſuch manner as has been heretofore uſed and accuſtomed: but, from the neceſſity of the caſe, and a regard to the mutual intereſts of both countries, we chearfully conſent to the operation of ſuch Acts of the Britiſh Parliament as are, *bonâ fide*, reſtrained to the regulation of our external commerce, for the purpoſe of ſecuring the commercial advantages of the whole Empire to the Mother-Country, and the commercial benefits of its reſpective members, excluding every idea of taxation, internal or external, for raiſing a revenue on the ſubjects in America without their conſent.

Reſolved, *n. c.* 5. That the reſpective Colonies are entitled to the Common Law of England, and, more eſpecially, to the great and ineſtimable privilege of being tried by their peers of the vicinage, according to the courſe of that law.

Reſolved,

Resolved, 6. That they are entitled to the benefit of such of the English Statutes as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, *n. c.* 7. That these, his Majesty's Colonies, are likewise entitled to all the immunities and privileges, granted and confirmed to them by Royal Charters, or secured by their several codes of Provincial Laws.

Resolved, *n. c.* 8. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

Resolved, *n. c.* 9. That the keeping a standing army in these Colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

Resolved, *n. c.* 10. It is indispensibly necessary to good government, and rendered essential by the English Constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power, in several Colonies, by a Council appointed during pleasure by the Crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All and each of which, the aforesaid Deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their Representatives in their several provincial legislatures.

Resolved, *n. c.* That the following Acts of Parliament are infringements and violations of the rights of the Colonists; and that the repeal of them is essentially necessary, in order to restore harmony between

tween Great Britain and the American colonies, viz.

The ſeveral Acts of 4 Geo. III. ch. 15. and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52.—7 Geo. III. ch. 41. and ch. 46.—8 Geo. III. ch. 22. which impoſe duties for the purpoſe of raiſing a revenue in America, extend the powers of the Admiralty Courts beyond their ancient limits, deprive the American ſubject of trial by Jury, authoriſe the Judges certificate to indemnify the proſecutor from damages that he might otherwiſe be liable to, requiring oppreſſive ſecurity from a claimant of ſhips and goods ſeized, before he ſhall be allowed to defend his property, and are ſubverſive of American rights.

Alſo 12 Geo. III. ch. 24. intituled, "An Act for the better ſecuring his Majeſty's dock-yards, magazines, ſhips, ammunition, and ſtores;" which declares a new offence in America, and deprives the American ſubjects of a conſtitutional trial by Jury of the vicinage, by authoriſing the trial of any perſon charged with the committing any offence deſcribed in the ſaid Act out of the realm, to be indicted and tried for the ſame in any ſhire or county within the realm.

Alſo the three Acts paſſed in the laſt Seſſion of Parliament, for ſtopping the port and blocking up the harbour of Boſton, for altering the charter and government of Maſſachuſett's-Bay, and that which is intituled, "An Act for the better adminiſtration of juſtice, &c."

Alſo the Act paſſed in the ſame Seſſion for eſtabliſhing the Roman Catholic religion in the Province of Quebec, aboliſhing the equitable ſyſtem of Engliſh laws, and erecting a tyranny there, to the great danger, from ſo total a diſſimilarity of religion, law, and government, of the neighbouring Britiſh Colonies, by the aſſiſtance of whoſe blood

and

and treasure the said country was conquered from France.

Also the Act passed in the same Session for the better providing suitable quarters for officers and soldiers in his Majesty's service in North-America.

Resolved, That this Congress do approve of the opposition made by the inhabitants of the Massachusett's-bay to the execution of the said late Acts of Parliament; and if the same shall be attempted to be carried into execution by force, in such case, all America ought to support them in their opposition.

Resolved, That the removal of the people of Boston into the country, would be not only extremely difficult in the execution, but so important in its consequences, as to require the utmost deliberation before it is adopted. But in case the Provincial Meeting of that Colony shall judge it *absolutely* necessary, it is the opinion of this Congress, that all America ought to contribute towards recompensing them for the injury they may thereby sustain.

Resolved, That this Congress do recommend to the inhabitants of Massachusett's-bay, to submit to a suspension of the administration of justice, where it cannot be procured in a legal and peaceable manner, under the rules of the charter, and the laws founded thereon, until the effects of our application for a repeal of the Acts by which their charter-rights are infringed, is known.

Resolved unanimously, That every person who shall take, accept, or act under any commission or authority, in any wise derived from the act passed in the last Session of Parliament, changing the form of Government, and violating the charter of the Province of Massachusett's-Bay, ought to be held in detestation, and considered as the wicked tool of that despotism which is preparing to destroy those rights which God, nature, and compact, hath given to America.

Resolved

Resolved unanimously, That the people of Boston and the Massachusett's-bay, be advised still to conduct themselves peaceably towards his Excellency General Gage, and his Majesty's troops now stationed in the town of Boston, as far as can possibly consist with their immediate safety and the security of the town; avoiding and discountenancing every violation of his Majesty's property, or any insult to his troops; and that they peaceably and firmly persevere in the line in which they are now conducting themselves on the defensive.

Resolved, That the seizing, or attempting to seize, any person in America, in order to transport such person beyond the sea, for trial of offences committed within the body of a county in America, being against law, will justify, and ought to meet with resistance and reprisal.

A copy of a letter to General Gage was brought into Congress, and, agreeable to order, signed by the President, and is as follows:

Philadelphia, Oct. 10, 1774.

"Sir,

"The inhabitants of the town of Boston have informed us, the Representatives of his Majesty's faithful subjects in all the Colonies from Nova-Scotia to Georgia, that the fortifications erecting within that town, the frequent invasions of private property, and the repeated insults they receive from the soldiery, hath given them great reason to suspect a plan is formed very destructive to them, and tending to overthrow the liberties of America.

"Your Excellency cannot be a stranger to the sentiments of America with respect to the late Acts of Parliament, under the execution of which those unhappy people are oppressed; the approbation universally expressed of their conduct, and the determined resolution of the Colonies, for the preservation of their Common Rights, to unite in their oppo-

oppoſition to thoſe Acts. In conſequence of theſe ſentiments, they have appointed us the guardians of their rights and liberties, and we are under the deepeſt concern, that, whilſt we are purſuing every dutiful and peaceable meaſure to procure a cordial and effectual reconciliation between Great Britain and the Colonies, your Excellency ſhould proceed in a manner that bears ſo hoſtile an appearance, and which even thoſe oppreſſive Acts do not warrant.

We entreat your Excellency to conſider, what tendency this conduct muſt have to irritate and force a people, however well diſpoſed to peaceable meaſures, into hoſtilities, which may prevent the endeavours of this Congreſs to reſtore a good underſtanding with a Parent State, and may involve us in the horrors of a civil war.

"In order therefore to quiet the minds, and remove the reaſonable jealouſies of the people, that they may not be driven to a ſtate of deſperation, being fully perſuaded of their pacific diſpoſition towards the King's troops, could they be aſſured of their own ſafety; we hope, Sir, you will diſcontinue the fortifications in and about Boſton, prevent any further invaſions of private property, reſtrain the irregularities of the ſoldiers, and give orders that the communications between the town and country may be open, unmoleſted, and free.

"Signed, by order and in behalf of the General Congreſs,

PEYTON RANDOLPH, Preſident."

The

The rights of America being thus asserted, and her grievances enumerated, for the maintenance of the one, and the more effectual redress of the other, the Congress judged it expedient to form a non-importation, non-consumption, and non-exportation agreement, in the subsequent terms.

NON-IMPORTATION AGREEMENT.

WE, his Majesty's most loyal subjects, the Delegates of the several Colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three Lower Counties of Newcastle, Kent, and Sussex, on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, deputed to represent them in a Continental Congress, held in the city of Philadelphia, on the fifth day of September, 1774, avowing our allegiance to his Majesty, our affection and regard for our fellow-subjects in Great-Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions at those grievances and distresses with which his Majesty's American subjects are oppressed, and having taken under our most serious deliberation the state of the whole Continent, find, that the present unhappy situation of our affairs is occasioned by a ruinous system of Colony Administration adopted by the British Ministry about the year 1763, evidently calculated for enslaving these Colonies, and, with them, the British Empire. In prosecution of which system, various Acts of Parliament have been passed for raising a revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alledged to have been committed in America; and in prosecution

cution of the ſame ſyſtem, ſeveral late, cruel and oppreſſive Acts have been paſſed reſpecting the town of Boſton and the Maſſachuſetts-Bay, and alſo an Act for extending the province of Quebec, ſo as to border on the weſtern frontiers of theſe Colonies, eſtabliſhing an arbitrary government therein, and diſcouraging the ſettlement of Britiſh ſubjects in that wide extended country; thus by the influence of civil principles and ancient prejudices to diſpoſe the inhabitants to act with hoſtility againſt the free Proteſtant Colonies, whenever a wicked Miniſtry ſhall chuſe ſo to direct them.

To obtain redreſs of theſe grievances, which threaten deſtruction to the lives, liberty, and property of his Majeſty's ſubjects in North-America, we are of opinion, that a non-importation, non-conſumption, and non-exportation agreement, faithfully adhered to, will prove the moſt ſpeedy, effectual, and peaceable meaſure: and therefore we do, for ourſelves and the inhabitants of the ſeveral Colonies whom we repreſent, firmly agree and aſſociate under the ſacred ties of virtue, honour, and love of our country, as follows:

I. That from and after the firſt day of December next, we will not import into Britiſh America, from Great-Britain or Ireland, any goods, wares, or merchandize whatſoever, or from any other place any ſuch goods, wares, or merchandize, as ſhall have been exported from Great-Britain or Ireland; nor will we, after that day, import any Eaſt-India tea from any part of the world; nor any molaſſes, ſyrups, paneles, coffee, or piemento, from the Britiſh plantations, or from Dominica; nor wines from Madeira, or the Weſtern Iſlands; nor foreign indigo.

II. That we will neither import, nor purchaſe any ſlave imported, after the firſt day of December next; after which time, we will wholly diſcontinue the ſlave trade, and will neither be concerned in it ourſelves,

ourſelves, nor will we hire our veſſels, nor ſell our commodities or manufactures to thoſe who are concerned in it.

III. As a non-conſumption agreement, ſtrictly adhered to, will be an effectual ſecurity for the obſervation of the non-importation, we, as above, ſolemnly agree and aſſociate, that, from this day, we will not purchaſe or uſe any tea imported on account of the Eaſt-India Company, or any on which a duty hath been or ſhall be paid; and from and after the firſt day of March next, we will not purchaſe or uſe any Eaſt-India tea whatever; nor will we, nor ſhall any perſon for or under us, purchaſe or uſe any of thoſe goods, wares, or merchandize, we have agreed not to import, which we ſhall know, or have cauſe to ſuſpect, were imported after the firſt day of December, except ſuch as come under the rules and directions of the tenth article herein after mentioned.

IV. The earneſt deſire we have not to injure our fellow-ſubjects in Great-Britain, Ireland, or the Weſt-Indies, induces us to ſuſpend a non-importation, until the tenth day of September 1775; at which time, if the ſaid Acts and parts of Acts of the Britiſh Parliament herein after mentioned are not repealed, we will not, directly or indirectly, export any merchandize or commodity whatſoever to Great-Britain, Ireland, or the Weſt-Indies, except rice to Europe.

V. Such as are merchants and uſe the Britiſh and Iriſh trade, will give orders, as ſoon as poſſible, to their factors, agents, and correſpondents, in Great-Britain and Ireland, not to ſhip any goods to them, on any pretence whatſoever, as they cannot be received in America; and if any merchant, reſiding in Great-Britain or Ireland, ſhall directly or indirectly ſhip any goods, wares, or merchandize, for America, in order to break the ſaid non-importation agreement, or in any manner contravene the ſame,

on ſuch unworthy conduct being well atteſted, it ought to be made public; and, on the ſame being ſo done, we will not from thenceforth have any commercial connection with ſuch merchant.

VI. That ſuch as are owners of veſſels will give poſitive orders to their Captains or Maſters, not to receive on board their veſſels any goods prohibited by the ſaid non-importation agreement, on pain of immediate diſmiſſion from their ſervice.

VII. We will uſe our utmoſt endeavours to improve the breed of ſheep and increaſe their number to the greateſt extent; and to that end, we will kill them as ſparing as may be, eſpecially thoſe of the moſt profitable kind; nor will we export any to the Weſt-Indies or elſewhere: and thoſe of us who are or may become over-ſtocked with, or can conveniently ſpare any ſheep, will diſpoſe of them to our neighbours, eſpecially to the poorer ſort, on moderate terms.

VIII. That we will in our ſeveral ſtations encourage frugality, œconomy, and induſtry; and promote agriculture, arts, and the manufactures of this country, eſpecially that of wool: and will diſcountenance and diſcourage every ſpecies of extravagance and diſſipation, eſpecially all horſe-racing, and all kinds of gaming, cock-fighting, exhibitions of ſhews, plays, and other expenſive diverſions and entertainments. And on the death of any relation or friend, none of us, or any of our families will go into any further mourning dreſs, than a black crape or ribband on the arm or hat for gentlemen, and a black ribband and necklace for ladies, and we will diſcontinue the giving of gloves and ſcarfs at funerals.

IX. That ſuch as are venders of goods or merchandize will not take advantage of the ſcarcity of goods that may be occaſioned by this aſſociation, but will ſell the ſame at the rates we have been reſpectively accuſtomed to do, for twelve months laſt paſt.—

And

And if any vender of goods or merchandize ſhall ſell any ſuch goods on higher terms, or ſhall in any manner, or by any device whatſoever, violate or depart from this agreement, no perſon ought, nor will any of us deal with any ſuch perſon, or his or her factor or agent, at any time thereafter, for any commodity whatever.

X. In caſe any merchant, trader, or other perſons ſhall import any goods or merchandize after the firſt day of December, and before the firſt day of February next, the ſame ought forthwith, at the election of the owner, to be either re-ſhipped or delivered up to the committee of the county or town wherein they ſhall be imported, to be ſtored at the riſk of the importer, until the non-importation agreement ſhall ceaſe, or be ſold under the direction of the committee aforeſaid; and in the laſt mentioned caſe, the owner or owners of ſuch goods ſhall be reimburſed (out of the ſales) the firſt coſt and charges; the profit, if any, to be applied towards relieving and employing ſuch poor inhabitants of the town of Boſton, as are immediately ſufferers by the Boſton-port bill; and a particular account of all goods ſo returned, ſtored, or ſold, to be inſerted in the public papers; and if any goods or merchandizes ſhall be imported after the ſaid firſt day of February, the ſame ought forthwith be ſent back again, without breaking any of the packages thereof.

XI. That a Committee be choſen in every county, city, and town, by thoſe who are qualified to vote for Repreſentatives in the legiſlature, whoſe buſineſs it ſhall be attentively to obſerve the conduct of all perſons touching this aſſociation: and when it ſhall be made to appear to the ſatisfaction of a majority of any ſuch Committee, that any perſon within the limits of their appointment has violated this aſſociation, that ſuch majority do forthwith cauſe the truth of the caſe to be publiſhed in the Gazette, to the end that all ſuch foes to the rights

of British America may be publickly known, and universally contemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her.

XII. That the Committee of Correspondence in the respective Colonies do frequently inspect the entries of their custom-houses, and inform each other from time to time of the true state thereof, and of every other material circumstance that may occur relative to their association.

XIII. That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

XIV. And we do further agree and resolve, that we will have no trade, commerce, dealings or intercourse whatsoever, with any Colony or Province, in North-America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

And we do solemnly bind ourselves and our Constituents, under the ties aforesaid, to adhere to this association until such parts of the several Acts of parliament passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups, paneles, coffee, sugar, piemento, indigo, foreign paper, glass, and painters colours, imported into America, and extend the powers of the Admiralty Courts beyond their ancient limits, deprive the American subject of trial by jury, authorise the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed.—And until that part of the Act of the 12 G, III. ch. 24. intituled, "An act for the better securing his Majesty's dock-yards, magazines, ships, ammunition,

munition, and ſtores," by which any perſons charged with committing any of the offences therein deſcribed, in America, may be tried in any ſhire or county within the realm, is repealed—And until the four Acts paſſed in the laſt ſeſſion of parliament, viz. That for ſtopping the port and blocking up the harbour of Boſton—That for the altering the charter and government of the Maſſachuſett's Bay—and that which is intituled, "An act for the better adminiſtration of juſtice," &c.—and that "for extending the limits of Quebec, &c." are repealed. And we recommend it to the Provincial Conventions, and to the Committees in the reſpective Colonies, to eſtabliſh ſuch farther regulations as they may think proper, for carying into execution this aſſociation.

The foregoing aſſociation being determined upon by the *Congreſs*, was ordered to be ſubſcribed by the ſeveral Members thereof; and thereupon we have hereunto ſet our reſpective names accordingly.

In Congreſs, Philadelphia, Oct. 20, 1774. *Signed,*
PEYTON RANDOLPH, *Preſident.*

New Hampſhire. John Sullivan, Nat. Folſom.

Maſſachuſett's Bay. Thomas Cuſhing, Samuel Adams, John Adams, Robert Treat Paine.

Rhode-Iſland. Stephen Hopkins, Sam. Ward.

Connecticut. Eliphalet Dyer, Roger Sherman, Silas Deane.

New-York. Iſaac Low, John Alſop, John Jay, James Duane, William Floyd, Henry Weiſner, S. Boerum.

New-Jerſey. James Kinſey, William Livingſton, Stephen Crane, Richard Smith.

Pennſylvania. Joſeph Galloway, John Dickinſon, Charles Humphreys, Thomas Mifflin, Edward Biddle, John Morton, George Roſs.

Newcaſtle, &c. Cæſar Rodney, Thomas M'Kean, George Read.

Maryland. Matthew Tilghman, Tho. Johnſon, William Pace, Samuel Chaſe.

Virginia. Richard Henry Lee, George Waſhington, P. Henry, jun. Richard Bland, Benjamin Harriſon, Edmund Pendleton.

North-Carolina. William Hooper, Joſeph Hawes, R. Caſwell.

South-Carolina. Henry Middleton, Tho. Lynch, Chriſtopher Gadſden, John Rutledge, Edward Rutledge.

Two days after paſſing the preceding agreement, it was reſolved, That ſhould a redreſs of the grievances complained of not be obtained before the month of May, another Congreſs ſhould be held at Philadelphia; and, neither the Declaration of Rights nor the Non-Importation Agreement making any impreſſion on the Britiſh Miniſtry, a General Congreſs aſſembled at Philadelphia on the 10th of May, 1775.

Conciliation was the avowed object of this, as it had been of every Congreſs, Provincial and Continental, which had been held ſince the commencement of the diſpute with Great-Britain; and, after many fruitleſs efforts to obtain a reſtoration of harmony, the Congreſs reſolved on a final petition to the King, and Mr. PENN was deputed to carry the petition to England. The ſubjoined copy was thus authenticated by the gentlemen who preſented it.

LAST

LAST PETITION TO THE KING.

The following is a true copy of the petition from the General Congreſs, in America, to his Majeſty, which was delivered to Lord Dartmouth the firſt of this month, and to which his Lordſhip ſaid *no anſwer would be given.*

RICHARD PENN,
ARTHUR LEE.

Sept. 4, 1775.

TO THE

KING's MOST EXCELLENT MAJESTY.

Moſt Gracious Sovereign,

WE your Majeſty's faithful ſubjects of the Colonies of New Hampſhire, Maſſachuſetts Bay, Rhode Iſland, and Providence Plantations, Connecticut, New York, New Jerſey, Pennſylvania, the counties of Newcaſtle, Kent, and Suſſex, on Delaware, Maryland, Virginia, North and South Carolina, in behalf of ourſelves and the inhabitants of theſe Colonies, who have deputed us to repreſent them in General Congreſs, entreat your Majeſty's gracious attention to this our humble petition.

The union between our Mother Country and theſe Colonies, and the energy of mild and juſt government, produced benefits ſo remarkably important, and afforded ſuch aſſurance of their permanency and increaſe, that the wonder and envy of other nations were excited, while they beheld Great-Britain riſing to a power the moſt extraordinary the world had ever known. Her rivals obſerving that there was no probability of this happy connection being broken by civil diſſentions, and apprehending its future effects, if left any longer undiſturbed,

reſolved to prevent her receiving ſo continual and formidable an acceſſion of wealth and ſtrength, by checking the growth of theſe ſettlements, from which they were to be derived.

In the proſecution of this attempt, events ſo unfavourable to the deſign took place, that every friend to the intereſt of Great-Britain and theſe Colonies, entertained pleaſing and reaſonable expectations of ſeeing an additional force and extenſion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the Crown, and the removal of ancient and warlike enemies to a greater diſtance.

At the concluſion, therefore, of the late war, the moſt glorious and advantageous that ever had been carried on by Britiſh arms, your loyal Colonies, having contributed to its ſucceſs by ſuch repeated and ſtrenuous exertions as frequently procured them the diſtinguiſhed approbation of your Majeſty, of the late King, and of Parliament, doubted not but that they ſhould be permitted, with the reſt of the empire, to ſhare in the bleſſings of peace, and the emoluments of victory and conqueſt. While theſe recent and honourable acknowledgements of their merits remained on record in the Journals and Acts of that auguſt legiſlature, the Parliament, undefaced by the imputation, or even the ſuſpicion, of any offence, they were alarmed by a new ſyſtem of ſtatutes and regulations, adopted for the adminiſtration of the Colonies, that filled their minds with the moſt painful fears and jealouſies; and to their inexpreſſible aſtoniſhment perceived the dangers of a foreign quarrel quickly ſucceeded by domeſtic dangers, in their judgement of a more dreadful kind.

Nor were their anxieties alleviated by any tendency in this ſyſtem to promote the welfare of the Mother-Country: for though its effects were more imme-

immediately felt by them, yet its influence appeared to be injurious to the commerce and proſperity of Great Britain.

We ſhall decline the ungrateful taſk of deſcribing the irkſome variety of artifices practiſed by many of your Majeſty's Miniſters, the deluſive pretences, fruitleſs terrors, and unavailing ſeverities, which have from time to time been dealt out by them in their attempts to execute this impolitic plan, or of tracing through a ſeries of years paſt the progreſs of the unhappy differences between Great Britain and theſe Colonies, which have flowed from this fatal ſource. Your Majeſty's Miniſters perſevering in their meaſures, and proceeding to open hoſtilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controverſy ſo peculiarly abhorrent from the affections of your ſtill faithful Coloniſts, that when we conſider whom we muſt oppoſe in this conteſt; and if it continues, what may be the conſequence; our own particular misfortunes are accounted by us only as parts of our diſtreſs.

Knowing to what violent reſentment and incurable animoſities civil diſcords are apt to exaſperate and inflame the contending parties, we think ourſelves required by indiſpenſable obligations to Almighty God, to your Majeſty, to our fellow-ſubjects, and ourſelves, immediately to uſe all the means in our power, not incompatible with our ſafety, for ſtopping the further effuſion of blood, and for averting the impending calamities that threaten the Britiſh Empire. Thus called upon to addreſs your Majeſty on affairs of ſuch moment to America, and probably to all your dominions, we are earneſtly deſirous of performing this office with the utmoſt deference to your Majeſty; and we therefore pray that your Royal magnanimity and benevolence may make the

moſt

moſt favourable conſtruction of our expreſſions on ſo uncommon an occaſion.

Could we repreſent, in their full force, the ſentiments which agitate the minds of us, your dutiful ſubjects, we are perſuaded your Majeſty would aſcribe any ſeeming deviation from reverence, in our language, and even in our conduct, not to any reprehenſible intention, but to the impoſſibility of reconciling the uſual appearances of reſpect with a juſt attention to our preſervation againſt thoſe artful and cruel enemies, who abuſe your Royal confidence and authority for the purpoſe of effecting our deſtruction.

Attached to your Majeſty's perſon, family, and government, with all the devotion that principle and affection can inſpire; connected with Great Britain by the ſtrongeſt ties that can unite ſocieties, and deploring every event that tends in any degree to weaken them, we ſolemnly aſſure your Majeſty, that we not only moſt *ardently deſire the former harmony between her* and theſe Colonies may be reſtored, but that a *concord may be eſtabliſhed* between them upon ſo firm a baſis as to perpetuate its bleſſings uninterrupted by any future diſſentions to ſucceeding generations in both countries; and to tranſmit your Majeſty's name to poſterity, adorned with that ſignal and laſting glory that has attended the memory of thoſe illuſtrious perſonages whoſe virtues and abilities have extricated ſtates from dangerous convulſions, and by ſecuring happineſs to others, have erected the moſt noble and durable monuments to their own fame.

We beg leave further to aſſure your Majeſty, that notwithſtanding the ſufferings of your loyal Coloniſts, during the courſe of the preſent controverſy, our breaſts retain too tender a regard for the kingdom from which we derive our origin, to requeſt ſuch a conciliation as might in any manner be inconſiſtent with

with *her dignity or her welfare.* Theſe, related as we are to her, honour and duty, as well as inclination, induce us to ſupport and advance; and the apprehenſions that now oppreſs our hearts with unſpeakable grief, being once removed, your Majeſty will find your faithful ſubjects on this Continent *ready and willing*, at all times, as they have ever been, with their *lives and fortunes to aſſert and maintain the rights and intereſts of your Majeſty and of our Mother-Country.*

We therefore beſeech your Majeſty, that your Royal authority and influence may be graciouſly interpoſed, to procure us relief from our afflicting fears and jealouſies, occaſioned by the ſyſtem before mentioned, and to ſettle peace through every part of your dominions; with all humility ſubmitting to your Majeſty's wiſe conſideration whether it may not be expedient, for facilitating theſe important purpoſes, that your *Majeſty be pleaſed to direct ſome mode by which the united applications of your faithful Coloniſts to the throne*, in purſuance of their common councils, may be *improved into a happy and permanent reconciliation*; and that in the mean time meaſures may be taken for preventing the further deſtruction of the lives of your Majeſty's ſubjects, and that ſuch ſtatutes as more immediately diſtreſs any of your Majeſty's Colonies be repealed. For by ſuch arrangements, as your Majeſty's wiſdom can form, for collecting the united ſenſe of your American people, we are convinced your Majeſty would receive ſuch ſatisfactory proofs of the diſpoſition of the Coloniſts towards their Sovereign and the Parent State, that the wiſhed-for opportunity would ſoon be reſtored to them, of evincing the ſincerity of their profeſſions, by *every teſtimony of devotion becoming the moſt dutiful ſubjects, and the moſt affectionate Coloniſts.*

That your Majeſty may enjoy a long and proſperous reign, and that your deſcendants may govern

the

the dominions, with honour to themſelves and happineſs to their ſubjects, is our ſincere and fervent prayer.

JOHN HANCOCK.

COLONY OF NEW HAMPSHIRE.
John Langdon
Thomas Cuſhing

MASSACHUSETTS BAY.
Samuel Adams
John Adams
Robert Treat Paine

RHODE ISLAND.
Stephen Hopkins
Samuel Ward

Eliphalet Dyer

CONNECTICUT.
Roger Sherman
Silas Deane

NEW YORK.
Ph. Livingſton
James Duane

DELAWARE COUNTIES.
Cæſar Rodney
Tho. M'Kean
George Read

MARYLAND.
Matt. Tilghman
Tho. Johnſon, jun.
William Pace
Samuel Chaſe
Thomas Stone

VIRGINIA.
P. Henry, jun.
R. Henry Lee
John Alſop
Francis Lewis
John Jay
R. Livingſton, jun.
Lewis Morris
William Floyd
Henry Weiſner

NEW JERSEY.
Wm. Livingſton
John Deharts
Richard Smith

PENNSYLVANIA.
John Dickenſon
Benj. Franklin
George Roſs
James Wilſon
Charles Humphreys
Edward Biddle
Edm. Pendleton
Benj. Harriſon
Tho. Jefferſon

NORTH CAROLINA.
William Hooper
Joſeph Hewes

SOUTH CAROLINA.
Henry Middleton
Thomas Lynch
Chriſt. Gadſden
J. Rutledge
Edwd. Rutledge.

The marked diſdain with which this Petition was treated, precluded every hope of a reconciliation.

conciliation. The beſt men in England were ſhocked at the meaſure; the moſt diſpaſſionate men in America foreſaw and lamented the conſequences. The Britiſh Miniſtry, however, perſiſting in their latent views of ſubjugating the Colonies, and attempting by open force as well as ſecret ſtratagem to ſubdue and diſunite them, gave eventual riſe to that Independence, Confederacy, and Legiſlation, deſcribed, ſupported, and avowed, in the following documents.

A LIST

IN CONGRESS.

DECEMBER 29, 1780.

RESOLVED,

THAT a Committee of three be appointed to collect, and cauſe to be publiſhed, two hundred correct copies of the Declaration of Independence, *the* articles of Confederation and Perpetual Union, *the* Alliances between theſe United States and his Moſt Chriſtian Majeſty, *with the* Conſtitutions or Forms of Government of the ſeveral States, *to be bound together in boards.*

The members choſen, Mr. Bee, *Mr.* Witherſpoon *and Mr.* Wolcott.

Extract from the Minutes,

CHARLES THOMPSON, *Secretary.*

In CONGRESS,

JULY 4, 1776.

A

DECLARATION

BY THE

REPRESENTATIVES

OF THE

UNITED STATES OF AMERICA

IN CONGRESS ASSEMBLED.

WHEN, in the courſe of human events, it becomes neceſſary for one people to diſſolve the political bands which have connected them with another, and to aſſume among the powers of the earth the ſeparate and equal ſtation to which the laws of nature and of nature's God entitle them, a decent reſpect to the opinions of mankind requires that they ſhould declare the cauſes which impel them to the ſeparation.

We hold theſe truths to be ſelf-evident; That all men are created equal; that they are endowed by their Creator with certain una-

 lienable

lienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter

their

their former ſyſtems of government. The hiſtory of the preſent king of Great-Britain is a hiſtory of repeated injuries and uſurpations, all having in direct object the eſtabliſhment of an abſolute tyranny over theſe States. To prove this, let facts be ſubmitted to a candid world.

He has refuſed his aſſent to laws the moſt wholeſome and neceſſary for the public good.

He has forbidden his governors to paſs laws of immediate and preſſing importance, unleſs ſuſpended in their operation till his aſſent ſhould be obtained; and when ſo ſuſpended, he has utterly neglected to attend to them.

He has refuſed to paſs other laws for the accommodation of large diſtricts of people, unleſs thoſe people would relinquiſh the right of repreſentation in the legiſlature; a right ineſtimable to them, and formidable to tyrants only.

He has called together legiſlative bodies at places unuſual, uncomfortable, and diſtant from the depoſitory of their public records, for the ſole purpoſe of fatiguing them into compliance with his meaſures.

He has diſſolved repreſentative houſes repeatedly, for oppoſing with manly firmneſs his invaſions on the rights of the people.

He has refuſed, for a long time after ſuch diſſolutions, to cauſe others to be elected; whereby the legiſlative powers, incapable of annihilation, have returned to the people at large for their exerciſe; the State remaining in the mean time expoſed to all the danger of invaſion from without, and convulſions within.

He has endeavoured to prevent the population of theſe States; for that purpoſe obſtructing the laws for naturalization of foreigners; refuſing to paſs others to encourage their migrations hither; and raiſing the conditions of new appropriations of lands.

He has obſtructed the adminiſtration of juſtice, by refuſing his aſſent to laws for eſtabliſhing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their ſalaries.

He has erected a multitude of new offices, and ſent hither ſwarms of officers to harraſs our people and eat out their ſubſtance.

He has kept among us, in times of peace, ſtanding armies, without the conſent of our legiſlatures.

He has affected to render the military independent of, and ſuperior to, the civil power.

He

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For ſuſpending our own legiſlatures, and declaring themſelves inveſted with power to legiſlate for us in all caſes whatſoever.

He has abdicated government here, by declaring us out of his protection, and waging war againſt us.

He has plundered our ſeas, ravaged our coaſts, burnt our towns, and deſtroyed the lives of our people.

He is, at this time, tranſporting large armies of foreign mercenaries to complete the works of death, deſolation, and tyranny, already begun with circumſtances of cruelty and perfidy ſcarcely paralleled in the moſt barbarous ages, and totally unworthy the head of a civilized nation.

He has conſtrained our fellow-citizens, taken captive on the high ſeas, to bear arms againſt their country, to become the executioners of their friends and brethren, or to fall themſelves by their hands.

He has excited domeſtic inſurrections amongſt us, and has endeavoured to bring on the inhabitants of our frontiers, the mercileſs Indian ſavages, whoſe known rule of warfare is an undiſtinguiſhed deſtruction of all ages, ſexes, and conditions.

In

In every ſtage of theſe oppreſſions we have petitioned for redreſs in the moſt humble terms: our repeated petitions have been anſwered only by repeated injury. A prince whoſe character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting to our Britiſh brethren. We have warned them from time to time of attempts made by their legiſlature to extend an unwarrantable juriſdiction over us. We have reminded them of the circumſtances of our emigration and ſettlement here. We have appealed to their native juſtice and magnanimity, and we have conjured them, by the ties of our common kindred, to diſavow theſe uſurpations, which would inevitably interrupt our connections and correſpondence. They, too, have been deaf to the voice of juſtice and conſanguinity. We muſt, therefore, acquieſce in the neceſſity which denounces our ſeparation, and hold them, as we hold the reſt of mankind, enemies in war, in peace friends.

We, therefore, the Repreſentatives of the United States of America, in General Congreſs aſſembled, appealing to the Supreme Judge of

the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great-Britain is, and ought to be, totally dissolved; and that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

NEW-HAMPSHIRE,	JOSIAH BARTLETT, WILLIAM WHIPPLE, MATTHEW THORNTON.
MASSACHUSETTS-BAY,	SAMUEL ADAMS, JOHN ADAMS, ROBERT TREAT PAINE, ELBRIDGE GERRY.

RHODE-

RHODE-ISLAND, &c.	STEPHEN HOPKINS, WILLIAM ELLERY.
CONNECTICUT,	ROGER SHERMAN, SAMUEL HUNTINGTON, WILLIAM WILLIAMS, OLIVER WALCOTT.
NEW-YORK,	WILLIAM FLOYD, PHILIP LIVINGSTON, FRANCIS LEWIS, LEWIS MORRIS.
NEW-JERSEY,	RICHARD STOCKDON, JOHN WITHERSPOON, FRANCIS HOPKINSON, JOHN HART, ABRAHAM CLARK.
PENNSYLVANIA.	ROBERT MORRIS, BENJAMIN RUSH, BENJAMIN FRANKLIN, JOHN MORTON, GEORGE CLYMER, JAMES SMITH, GEORGE TAYLOR, JAMES WILSON, GEORGE ROSS.
DELAWARE,	CÆSAR RODNEY, GEORGE READ.
MARYLAND,	SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, CHA. CARROLL, of Carrollton.
VIRGINIA,	GEORGE WYTHE, RICHARD HENRY LEE, THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, jun. FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.
N. CAROLINA,	WILLIAM HOOPER, JOSEPH HEWES, JOHN PENN.
S. CAROLINA,	EDWARD RUTLEDGE, THOMAS HAYWARD, jun. THOMAS LYNCH, jun. ARTHUR MIDDLETON.
GEORGIA,	BUTTON GWINNETT, LYMAN HALL, GEORGE WALTON.

ARTICLES

OF

CONFEDERATION and PERPETUAL UNION

BETWEEN THE STATES OF

NEW-HAMPSHIRE, MASSACHUSETTS-BAY, RHODE-ISLAND and PROVIDENCE PLANTATIONS, CONNECTICUT, NEW-YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, and GEORGIA.

ARTICLE I.

THE ſtile of this confederacy ſhall be, "UNITED STATES OF AMERICA."

ARTICLE II.

Each State retains its ſovereignty, freedom, and independence, and every power, juriſdiction, and right, which is not by this confederation expreſsly delegated to the United States in Congreſs aſſembled.

ARTICLE III.

The ſaid States hereby ſeverally enter into a firm league of friendſhip with each other, for their common defence, the ſecurity of their liberties, and

and their mutual and general welfare, binding themſelves to aſſiſt each other againſt all force offered to, or attacks made upon them, or any of them, on account of religion, ſovereignty, trade, or any other pretence whatever.

ARTICLE IV.

The better to ſecure and perpetuate mutual friendſhip and intercourſe among the people of the different States in this union, the free inhabitants of each of theſe States, paupers, vagabonds, and fugitives from juſtice excepted, ſhall be entitled to all privileges and immunities of free citizens in the ſeveral States; and the people of each State ſhall have free ingreſs and regreſs to and from any other State, and ſhall enjoy therein all the privileges of trade and commerce, ſubject to the ſame duties, impoſitions, and reſtrictions, as the inhabitants thereof reſpectively, provided that ſuch reſtrictions ſhall not extend ſo far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided alſo that no impoſition, duties, or reſtriction, ſhall be laid by any State on the property of the United States, or either of them.

If

If any perſon guilty of or charged with treaſon, felony, or other high miſdemeanour in any State, ſhall flee from juſtice, and be found in any of the United States, he ſhall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having juriſdiction of his offence.

Full faith and credit ſhall be given in each of theſe States to the records, acts, and judicial proceedings of the courts and magiſtrates of every other State.

ARTICLE V.

For the more convenient management of the general intereſts of the United States, delegates ſhall be annually appointed in ſuch manner as the legiſlature of each State ſhall direct, to meet in Congreſs on the firſt Monday in November of every year, with a power reſerved to each State to recal its delegates, or any of them, at any time within the year, and to ſend others in their ſtead, for the remainder of the year.

No State ſhall be repreſented in Congreſs by leſs than two, nor more than ſeven, members; and no perſon ſhall be capable of being a dele-

gate

gate for more than three years, in any term of ſix years; nor ſhall any perſon, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any ſalary, fees, or emolument, of any kind.

Each State ſhall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining queſtions in the United States in Congreſs aſſembled, each State ſhall have one vote.

Freedom of ſpeech and debate in Congreſs ſhall not be impeached or queſtioned in any court or place out of Congreſs, and the members of Congreſs ſhall be protected in their perſons from arreſts and impriſonments during the time of their going to and from and attendance on Congreſs, except for treaſon, felony, or a breach of the peace.

ARTICLE VI.

No State, without the conſent of the United States in Congreſs aſſembled, ſhall ſend any embaſſy to, or receive any embaſſy from, or enter into any conference, agreement, alliance, or treaty, with any King, Prince, or State; nor

ſhall any perſon holding any office of profit or truſt under the United States, or any of them, accept of any preſent, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State; nor ſhall the United States in Congreſs aſſembled, or any of them, grant any title of nobility.

2. No two or more States ſhall enter into any treaty, confederation, or alliance whatever between them, without the conſent of the United States in Congreſs aſſembled, ſpecifying accurately the purpoſes for which the ſame is to be entered into, and how long it ſhall continue.

3. No State ſhall lay any impoſts or duties which may interfere with any ſtipulations in treaties entered into by the United States in Congreſs aſſembled, with any King, Prince, or State, in purſuance of any treaties already propoſed by Congreſs to the courts of France and Spain.

4. No veſſels of war ſhall be kept up in time of peace by any State, except ſuch number only as ſhall be deemed neceſſary by the United States in Congreſs aſſembled for the defence of ſuch State, or its trade; nor ſhall any body of forces be kept up by any State, in time of peace, except

except ſuch number only as in the judgement of the United States in Congreſs aſſembled ſhall be deemed requiſite to garriſon the forts neceſſary for the defence of ſuch State; but every State ſhall always keep up a well-regulated and diſciplined militia, ſufficiently armed and accoutred, and ſhall provide and conſtantly have ready for uſe, in public ſtores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

5. No State ſhall engage in any war without the conſent of the United States in Congreſs aſſembled, unleſs ſuch State be actually invaded by enemies, or ſhall have received certain advice of a reſolution being formed by ſome nation of Indians to invade ſuch State, and the danger is ſo imminent as not to admit of a delay till the United States in Congreſs aſſembled can be conſulted: nor ſhall any State grant commiſſions to any ſhips or veſſels of war, nor letters of marque or repriſal, except it be after a declaration of war by the United States in Congreſs aſſembled, and then only againſt the Kingdom or State and the ſubjects thereof againſt which war has been ſo declared, and under ſuch regulations as ſhall be eſtabliſhed

bliſhed by the United States in Congreſs aſſembled, unleſs ſuch State be infeſted by pirates; in which caſe veſſels of war may be fitted out for that occaſion, and kept ſo long as the danger ſhall continue, or until the United States in Congreſs aſſembled ſhall determine otherwiſe.

ARTICLE VII.

When land forces are raiſed by any State for the common defence, all officers of or under the rank of colonel ſhall be appointed by the legiſlature of each State reſpectively by whom ſuch forces ſhall be raiſed, or in ſuch manner as ſuch State ſhall direct, and all vacancies ſhall be filled up by the State which firſt made the appointment.

ARTICLE VIII.

All charges of war, and all other expences that ſhall be incurred for the common defence or general welfare, and allowed by the United States in Congreſs aſſembled, ſhall be defrayed out of a common treaſury, which ſhall be ſupplied by the ſeveral States, in proportion to the value of all land within each State, granted to or ſurveyed for any perſon, as ſuch land and the buildings and improvements thereon ſhall be eſtimated, according to ſuch mode as the

United

United States in Congreſs aſſembled ſhall from time to time direct and appoint. The taxes for paying that proportion ſhall be laid and levied by the authority and direction of the legiſlatures of the ſeveral States within the time agreed upon by the United States in Congreſs aſſembled.

ARTICLE IX.

The United States in Congreſs aſſembled ſhall have the ſole and excluſive right and power of determining on peace and war, except in the caſes mentioned in the ſixth article; of ſending and receiving Ambaſſadors; entering into treaties and alliances, provided that no treaty of commerce ſhall be made, whereby the legiſlative power of the reſpective States ſhall be reſtrained from impoſing ſuch impoſts and duties on foreigners, as their own people are ſubjected to, or from prohibiting the exportation or importation of any ſpecies of goods or commodities whatſoever: of eſtabliſhing rules for deciding in all caſes, what captures on land or water ſhall be legal, and in what manner prizes taken by land or naval forces in the ſervice of the United States ſhall be divided or appropriated; of granting letters

of marque and repriſal in times of peace; appointing courts for the trial of piracies and felonies committed on the high ſeas; and eſtabliſhing courts for receiving and determining finally appeals in all caſes of captures, provided that no member of Congreſs ſhall be appointed a judge of any of the ſaid courts.

2. The United States in Congreſs aſſembled ſhall alſo be the laſt reſort on appeal in all diſputes and differences now ſubſiſting, or that hereafter may ariſe, between two or more States concerning boundary, juriſdiction, or any other cauſe whatever; which authority ſhall always be exerciſed in the manner following:—Whenever the legiſlative or executive authority or lawful agent of any State in controverſy with another, ſhall preſent a petition to Congreſs, ſtating the matter in queſtion, and praying for a hearing, notice thereof ſhall be given by order of Congreſs to the legiſlative or executive authority of the other State in controverſy, and a day aſſigned for the appearance of the parties by their lawful agents, who ſhall then be directed to appoint by joint conſent Commiſſioners or Judges to conſtitute a court for hearing and determining the matter in queſtion;

tion; but if they cannot agree, Congreſs ſhall name three perſons out of each of the United States, and from the liſt of ſuch perſons each party ſhall alternately ſtrike out one, the petitioners beginning, until the number ſhall be reduced to thirteen; and from that number not leſs than ſeven nor more than nine names, as Congreſs ſhall direct, ſhall in the preſence of Congreſs be drawn out by lot; and the perſons whose names ſhall be ſo drawn, or any five of them, ſhall be Commiſſioners or Judges, to hear and finally determine the controverſy, ſo always as a major part of the Judges, who ſhall hear the cauſe, ſhall agree in the determination: and if either party ſhall neglect to attend at the day appointed, without ſhewing reaſons which Congreſs ſhall judge ſufficient, or being preſent ſhall refuſe to ſtrike, the Congreſs ſhall proceed to nominate three perſons out of each State, and the Secretary of Congreſs ſhall ſtrike in behalf of ſuch party abſent or refuſing; and the judgment and ſentence of the court to be appointed in the manner before preſcribed, ſhall be final and concluſive: and if any of the parties ſhall refuſe to ſubmit to the authority of ſuch court, or to appear or defend their claim

or cauſe, the court ſhall nevertheleſs proceed to pronounce ſentence, or judgment, which ſhall in like manner be final and deciſive; the judgment or ſentence and other proceedings being in either caſe tranſmitted to Congreſs, and lodged among the acts of Congreſs, for the ſecurity of the parties concerned: provided, that every Commiſſioner, before he ſits in judgment, ſhall take an oath, to be adminiſtered by one of the Judges of the ſupreme or ſuperior court of the State where the cauſe ſhall be tried, "well and truly to hear and determine the matter in queſtion, according to the beſt of his judgement, without favour, affection, or hope of reward:" provided alſo, that no State ſhall be deprived of territory for the benefit of the United States.

3. All controverſies concerning the private right of ſoil claimed under different grants of two or more States, whoſe juriſdictions, as they may reſpect ſuch lands, and the States which paſſed ſuch grants, are adjuſted; the ſaid grants, or either of them, being at the ſame time claimed to have originated antecedent to ſuch ſettlement of juriſdiction; ſhall on the petition of either party to the Congreſs of the United States, be finally determined, as near as may be, in the ſame manner as is before preſcribed for deciding

deciding diſputes reſpecting territorial juriſdiction between different States.

4. The United States in Congreſs aſſembled ſhall alſo have the ſole and excluſive right and power of regulating the alloy and value of coin ſtruck by their own authority, or by that of the reſpective States; fixing the ſtandard of weights and meaſures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legiſlative right of any State within its own limits be not infringed or violated; eſtabliſhing and regulating poſt-offices from one State to another, throughout all the United States, and exacting ſuch poſtage on the papers paſſing through the ſame, as may be requiſite to defray the expences of the ſaid office; appointing all officers of the land forces in the ſervice of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commiſſioning all officers whatever in the ſervice of the United States; making rules for the government and regulation of the ſaid land and naval forces, and directing their operations.

5. The United States in Congreſs aſſembled ſhall have authority to appoint a committee, to ſit in the receſs of Congreſs, to be denominated, *A Committee of the States*, and to conſiſt of one delegate from each State; and to appoint ſuch other committees and civil officers as may be neceſſary for managing the general affairs of the United States under their direction; to appoint one of their number to preſide, provided that no perſon be allowed to ſerve in the office of Preſident more than one year in any term of three years; to aſcertain the neceſſary ſums of money to be raiſed for the ſervice of the United States, and to appropriate and apply the ſame for defraying the public expences; to borrow money or emit bills on the credit of the United States, tranſmitting every half year to the reſpective States an account of the ſums of money ſo borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requiſitions from each State for its quota, in proportion to the number of white inhabitants in ſuch State, which requiſition ſhall be binding; and thereupon the legiſlature of each State ſhall appoint the regimental officers, raiſe the

the men, and cloath, arm, and equip them in a ſoldier-like manner, at the expence of the United States; and the officers and men ſo cloathed, armed, and equipped, ſhall march to the place appointed, and within the time agreed on by the United States in Congreſs aſſembled. But if the United States in Congreſs aſſembled ſhall, on conſideration of circumſtances, judge proper that any State ſhould not raiſe men, or ſhould raiſe a ſmaller number than its quota, and that any other State ſhould raiſe a greater number of men than the quota thereof, ſuch extra number ſhall be raiſed, officered, cloathed, armed, and equipped in the ſame manner as the quota of ſuch State, unleſs the legiſlature of ſuch State ſhall judge that ſuch extra number cannot be ſafely ſpared out of the ſame; in which caſe they ſhall raiſe, officer, cloath, arm, and equip, as many of ſuch extra number as they judge can be ſafely ſpared; and the officers and men ſo cloathed, armed, and equipped, ſhall march to the place appointed, and within the time agreed on by the United States in Congreſs aſſembled.

6. The United States in Congreſs aſſembled ſhall never engage in a war, nor grant letters

of marque and repriſal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor aſcertain the ſums and expences neceſſary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of veſſels of war to be built or purchaſed, or the number of land or ſea forces to be raiſed, nor appoint a Commander in Chief of the army or navy, unleſs nine States aſſent to the ſame: nor ſhall a queſtion on any other point, except for adjourning from day to day, be determined, unleſs by the votes of a majority of the United States in Congreſs aſſembled.

7. The Congreſs of the United States ſhall have power to adjourn to any time within the year, and to any place within the United States, ſo that no period of adjournment be for a longer duration than the ſpace of ſix months, and ſhall publiſh the journal of their proceedings monthly, except ſuch parts thereof relating to treaties, alliances, or military operations, as in their judgement require ſecrecy; and the yeas and nays of the delegates of each State on any

any queſtion ſhall be entered on the journal, when it is deſired by any delegate; and the delegates of a State, or any of them, at his or their requeſt ſhall be furniſhed with a tranſcript of the ſaid journal, except ſuch parts as are above excepted, to lay before the legiſlatures of the ſeveral States.

ARTICLE X.

The Committee of the States, or any nine of them, ſhall be authorized to execute, in the receſs of Congreſs, ſuch of the powers of Congreſs as the United States in Congreſs aſſembled, by the conſent of nine States, ſhall from time to time think expedient to veſt them with; provided that no power be delegated to the ſaid Committee, for the exerciſe of which, by the articles of confederation, the voice of nine States, in the Congreſs of the United States aſſembled, is requiſite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the meaſures of the United States, ſhall be admitted into, and entitled to all the advantages of this union: but no other colony ſhall be admitted into the ſame, unleſs ſuch admiſſion be agreed to by nine States.

ARTICLE XII.

All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congreſs, before the aſſembling of the United States, in purſuance of the preſent confederation, ſhall be deemed and conſidered as a charge againſt the United States, for payment and ſatisfaction whereof the ſaid United States and the public faith are hereby ſolemnly pledged.

ARTICLE XIII.

Every State ſhall abide by the determinations of the United States in Congreſs aſſembled, on all queſtions which by this confederation are ſubmitted to them. And the articles of this confederation ſhall be inviolably obſerved by every State, and the union ſhall be perpetual; nor ſhall any alteration at any time hereafter be made in any of them, unleſs ſuch alteration be agreed to in a Congreſs of the United States, and be afterwards confirmed by the legiſlatures of every State.

And whereas it hath pleaſed the Great Governor of the World to incline the hearts of the legiſlatures we reſpectively repreſent in Congreſs,

greſs, to approve of, and to authoriſe us to ratify the ſaid articles of confederation and perpetual union: Know ye, that we, the underſigned Delegates, by virtue of the power and authority to us given for that purpoſe, do, by theſe preſents, in the name and behalf of our reſpective conſtituents, fully and entirely ratify and confirm each and every of the ſaid articles of confederation and perpetual union, and all and ſingular the matters and things therein contained. And we do further ſolemnly plight and engage the faith of our reſpective conſtituents, that they ſhall abide by the determinations of the United States in Congreſs aſſembled, on all queſtions which by the ſaid confederation are ſubmitted to them; and that the articles thereof ſhall be inviolably obſerved by the States we reſpectively repreſent; and that the union ſhall be perpetual. In witneſs whereof, we have hereunto ſet our hands in Congreſs.

DONE at Philadelphia, *in the State of* Pennſylvania, *the 9th day of* July, *in the year of our Lord* 1778, *and in the third year of the Independence of* America.

The

The aforesaid articles of confederation were finally ratified on the first day of March 1781; the State of Maryland having, by their Members in Congress, on that day acceded thereto, and completed the same.

NEW-HAMPSHIRE,	JOSIAH BARTLETT, JOHN WENTWORTH, jun.
MASSACHUSETTS-BAY,	JOHN HANCOCK, SAMUEL ADAMS, ELBRIDGE GERRY. FRANCIS DANA, JAMES LOVELL, SAMUEL HOLTEN.
RHODE-ISLAND, &c.	WILLIAM ELLERY. HENRY MERCHANT, JOHN COLLINS.
CONNECTICUT,	ROGER SHERMAN, SAMUEL HUNTINGTON, OLIVER WALCOTT, TITUS OSMER, ANDREW ADAMS.
NEW-YORK,	JAMES DUANE, FRANCIS LEWIS, WILLIAM DUER, GOVERNEUR MORRIS.
NEW-JERSEY,	JOHN WITHERSPOON, NATHANIEL SCUDDER.
PENNSYLVANIA,	ROBERT MORRIS, DANIEL ROBERDEAU, JONATHAN BAYARD SMITH WILLIAM CLINGAM, JOSEPH REED.
DELAWARE,	THOMAS M'KEAN, JOHN DICKENSON, NICHOLAS VANDYKE.
MARYLAND,	JOHN HANSON, DANIEL CARROLL.

VIRGINIA,	RICHARD HENRY LEE, JOHN BANISTER, THOMAS ADAMS, JOHN HARVEY, FRANCIS LIGHTFOOT LEE,
N. CAROLINA,	JOHN PENN, CORNELIUS HARNETT, JOHN WILLIAMS.
S. CAROLINA,	HENRY LAURENS, WILL. HENRY DRAYTON, JOHN MATTHEWS, RICHARD HUTSON, THOMAS HEYWARD, jun.
GEORGIA,	JOHN WALTON. EDWARD TELFAIR, EDWARD LONGWORTHY.

A COL-

A

COLLECTION

OF THE

CONSTITUTIONS

OF THE

THIRTEEN UNITED STATES, &c.

NEW-HAMPSHIRE.

In CONGRESS, *at* EXETER, *Jan.* 5, 1776.

WE, the Members of the Congreſs of the colony of New-Hampſhire, choſen and appointed by the free ſuffrages of the people of ſaid colony, and authorized and impowered by them to meet together, and uſe ſuch means, and purſue ſuch meaſures, as we ſhall judge beſt for the public good; and in particular to eſtabliſh ſome form of government, provided that meaſure ſhould be recommended by the Continental Congreſs; and a recommendation to that purpoſe having been tranſmitted to us from

from the ſaid Congreſs; have taken into our ſerious conſideration the unhappy circumſtances in which this colony is involved, by means of many grievous and oppreſſive Acts of the Britiſh Parliament, depriving us of our native and conſtitutional rights and privileges; to enforce obedience to which Acts, a powerful fleet and army have been ſent into this country by the Miniſtry of Great-Britain, who have exerciſed a wanton and cruel abuſe of their power, in deſtroying the lives and properties of the coloniſts, in many places, with fire and ſword, taking the ſhips and lading from many of the honeſt and induſtrious inhabitants of this colony, employed in commerce, agreeable to the laws and cuſtoms a long time uſed here:

The ſudden and abrupt departure of his Excellency JOHN WENTWORTH, Eſq. our late Governor, and ſeveral of the Council, leaving us deſtitute of legiſlation; and no executive courts being open to puniſh criminal offenders, whereby the lives and properties of the honeſt people of this colony are liable to the machinations and evil deſigns of wicked men:

Therefore, for the preſervation of peace and

good

good order, and for the ſecurity of the lives and properties of the inhabitants of this colony, we conceive ourſelves reduced to the neceſſity of eſtabliſhing a Form of Government, to continue during the preſent unhappy and unnatural conteſt with Great-Britain; proteſting and declaring, that we never ſought to throw off our dependence upon Great-Britain, but felt ourſelves happy under her protection, while we could enjoy our conſtitutional rights and privileges; and that we ſhall rejoice, if ſuch a reconciliation between us and our Parent State can be effected as ſhall be approved by the Continental Congreſs, in whoſe prudence and wiſdom we confide.

Accordingly, purſuant to the truſt repoſed in us, we do Reſolve, That this Congreſs aſſume the name, power, and authority of a Houſe of Repreſentatives or Aſſembly for the colony of New-Hampſhire; and that the ſaid Houſe then proceed to chuſe twelve perſons, being reputable freeholders and inhabitants within this colony, in the following manner, viz. five in the county of Rockingham, two in the county of Strafford, two in the county of Hilſborough,

two

two in the county of Cheſhire, and one in the county of Grafton, to be a diſtinct and ſeparate branch of the legiſlature, by the name of a Council for this colony, to continue as ſuch until the third Wedneſday in December next; any ſeven of whom to be a Quorum to do buſineſs.

That ſuch Council appoint their Preſident; and in his abſence, that the ſenior Councillor preſide.

That a Secretary be appointed by both branches, who may be Councillor, or otherwiſe, as they ſhall chooſe.

That no act or reſolve be valid, and put into execution, unleſs agreed to and paſſed by both branches of the legiſlature.

That all public officers for the ſaid colony, and each county, for the current year, be appointed by the Council and Aſſembly, except the ſeveral clerks of the executive courts, who ſhall be appointed by the Juſtices of the reſpective courts.

That all bills, reſolves, or votes for raiſing, levying, and collecting money, originate in the Houſe of Repreſentatives.

That at any ſeſſions of the Council and Aſſembly, neither branch ſhall adjourn for any longer time than from Saturday till the next Monday, without conſent of the other.

And it is further reſolved, That if the preſent unhappy diſpute with Great-Britain ſhould continue longer than this preſent year, and the Continental Congreſs give no inſtructions or directions to the contrary, the Council be choſen by the people of each reſpective county, in ſuch manner as the Council and Houſe of Repreſentatives ſhall order.

That general and field officers of the militia, on any vacancy, be appointed by the two Houſes, and all inferior officers be choſen by the reſpective companies.

That all officers of the army be appointed by the two Houſes, except they ſhould direct otherwiſe in caſe of any emergency.

That all civil officers for the colony and for each county be appointed, and the time of their continuance in office be determined, by the two Houſes, except clerks, and county treaſurers, and recorders of deeds.

That a treaſurer, and a recorder of deeds, for each county be annually choſen by the people of each county reſpectively; the votes for ſuch officers

officers to be returned to the reſpective courts of general ſeſſions of the peace in the county, there to be aſcertained, as the Council and Aſſembly ſhall hereafter direct.

That precepts, in the name of the Council and Aſſembly, ſigned by the Preſident of the Council and Speaker of the Houſe of Repreſentatives, ſhall iſſue annually, at or before the firſt day of November, for the choice of a Council and Houſe of Repreſentatives, to be returned by the third Wedneſday in December then next enſuing, in ſuch manner as the Council and Aſſembly ſhall hereafter preſcribe.

In the HOUSE *of* REPRESENTATIVES, *Sept.* 19, 1776.

Voted and Reſolved,

THAT as any new towns or ſettlements in this State ſhall increaſe in their number of inhabitants from year to year, or from time to time, precepts ſhall iſſue for their ſending Delegates to Council and Aſſembly, ſo as to be fully repreſented, according to their numbers, proportionable with other parts of the State.

Sent up for concurrence, P. WHITE, *Speaker.*

In COUNCIL, *Eodem Die.*

Read and concurred, E. THOMPSON, *Sec.*

Copy examined per E. THOMPSON, *Sec.*

MASSACHUSETTS.

A CONSTITUTION, OR FRAME OF GOVERNMENT,

AGREED UPON BY THE DELEGATES OF THE PEOPLE OF THE STATE OF MASSACHUSETTS-BAY, IN CONVENTION, BEGUN AND HELD AT CAMBRIDGE, ON THE FIRST OF SEPTEMBER, 1779, AND CONTINUED BY ADJOURNMENTS TO THE SECOND OF MARCH, 1780.

PREAMBLE.

THE end of the inſtitution, maintenance and adminiſtration of government is to ſecure the exiſtence of the body-politic, to protect it, and to furniſh the individuals who compoſe it, with the power of enjoying, in ſafety and tranquility, their natural rights, and the bleſſings of life: and whenever theſe great objects are not obtained, the people have a right to alter the government, and to take meaſures neceſſary for their ſafety, proſperity and happineſs.

The body-politic is formed by a voluntary aſſociation of individuals; it is a ſocial compact,

pact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all ſhall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a Conſtitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them, that every man may, at all times, find his ſecurity in them.

We, therefore, the people of Maſſachuſetts, acknowledging with grat-ful hearts the goodneſs of the Great Legiſlator of the Univerſe, in affording us, in the courſe of his providence, an opportunity, deliberately and peaceably, without fraud, violence, or ſurprize, of entering into an original, explicit, and ſolemn compact with each other; and of forming a new Conſtitution of Civil Government for ourſelves and poſterity; and devoutly imploring his direction in ſo intereſting a deſign, DO agree upon, ordain, and eſtabliſh, the following DECLARATION OF RIGHTS, AND FRAME OF GOVERNMENT, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART I.

A DECLARATION OF RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OF MASSACHUSETTS.

I. ALL men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the Universe. And no subject shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

III. As the happiness of a people, and the good

good order and preſervation of civil government, eſſentially depend upon piety, religion, and morality; and as theſe cannot be generally diffuſed through a community, but by the inſtitution of the public worſhip of God, and of public inſtructions in piety, religion and morality; therefore, to promote their happineſs, and to ſecure the good order and preſervation of their government, the people of this Commonwealth have a right to inveſt their legiſlature with power to authoriſe and require, and the legiſlature ſhall, from time to time, authoriſe and require the ſeveral towns, pariſhes, precincts, and other bodies politic, or religious ſocieties, to make ſuitable proviſion, at their own expence, for the inſtitution of the public worſhip of God, and for the ſupport and maintenance of public Proteſtant teachers of piety, religion, and morality, in all caſes where ſuch proviſion ſhall not be made voluntarily.

And the people of this Commonwealth have alſo a right to, and do, inveſt their legiſlature with authority to enjoin upon all the ſubjects, an attendance upon the inſtructions of the public teachers as aforeſaid, at ſtated times and ſeaſons, if there be any on whoſe inſtructions

they can conſcientiouſly and conveniently attend.

Provided notwithſtanding, that the ſeveral towns, pariſhes, precincts, and other bodies-politic, or religious ſocieties, ſhall, at all times, have the excluſive right of electing their public teachers, and of contracting with them for their ſupport and maintenance.

And all monies paid by the ſubject to the ſupport of public worſhip, and of the public teachers aforeſaid, ſhall, if he require it, be uniformly applied to the ſupport of the public teacher or teachers of his own religious ſect or denomination, provided there be any on whoſe inſtructions he attends; otherwiſe it may be paid towards the ſupport of the teacher or teachers of the pariſh or precinct in which the ſaid monies are raiſed.

And every denomination of Chriſtians demeaning themſelves peaceably, and as good ſubjects of the Commonwealth, ſhall be equally under the protection of the law: and no ſubordination of any one ſect or denomination to another ſhall ever be eſtabliſhed by law.

IV. The people of this Commonwealth have the ſole and excluſive right of governing themſelves

ſelves as a Free, Sovereign, and Independent State; and do, and for ever hereafter ſhall, exerciſe and enjoy every power, juriſdiction, and right, which is not, or may not hereafter, be by them expreſly delegated to the United States of America, in Congreſs aſſembled.

V. All power reſiding originally in the people, and being derived from them, the ſeveral magiſtrates and officers of government, veſted with authority, whether legiſlative, executive, or judicial, are their ſubſtitutes and agents, and are at all times accountable to them.

VI. No man, or corporation, or aſſociation of men, have any other title to obtain advantages, or particular and excluſive privileges, diſtinct from thoſe of the community, than what ariſes from the conſideration of ſervices rendered to the public; and this title being in nature neither hereditary nor tranſmiſſible to children, or deſcendants, or relations by blood, the idea of a man born a magiſtrate, lawgiver, or judge, is abſurd and unnatural.

VII. Government is inſtituted for the common good; for the protection, ſafety, proſperity, and happineſs of the people; and not for the profit, honour, or private intereſt

of

of any one man, family, or claſs of men: therefore, the people alone have an inconteſtible, unalienable, and indefeaſible right to inſtitute government; and to reform, alter, or totally change the ſame, when their protection, ſafety, proſperity, and happineſs require it.

VIII. In order to prevent thoſe who are veſted with authority from becoming oppreſſors, the people have a right, at ſuch periods, and in ſuch manner as they ſhall eſtabliſh by their Frame of Government, to cauſe their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

IX. All elections ought to be free, and all the inhabitants of this Commonwealth, having ſuch qualifications as they ſhall eſtabliſh by their Frame of Government, have an equal right to elect officers, and to be elected for public employments.

X. Each individual of the ſociety has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to ſtanding laws. He is obliged, conſequently, to contribute his ſhare to the expence of this protection;

protection; to give his perſonal ſervice, or an equivalent, when neceſſary: but no part of the property of any individual can, with juſtice, be taken from him, or applied to public uſes, without his own conſent or that of the repreſentative body of the people: in fine, the people of this Commonwealth are not controulable by any other laws than thoſe to which their conſtitutional repreſentative body have given their conſent. And whenever the public exigencies require that the property of any individual ſhould be appropriated to public uſes, he ſhall receive a reaſonable compenſation therefor.

XI. Every ſubject of the Commonwealth ought to find a certain remedy, by having recourſe to the laws for all injuries or wrongs which he may receive in his perſon, property or character. He ought to obtain right and juſtice freely, and without being obliged to purchaſe it; compleatly, and without any denial; promptly, and without delay; conformably to the laws.

XII. No ſubject ſhall be held to anſwer for any crime or offence, until the ſame is fully and plainly, ſubſtantially and formally, deſcribed

to

to him; or be compelled to accuſe, or furniſh evidence againſt himſelf. And every ſubject ſhall have a right to produce all proofs that may be favourable to him; to meet the witneſſes againſt him face to face, and to be fully heard in his defence by himſelf or his counſel, at his election. And no ſubject ſhall be arreſted, impriſoned, deſpoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or eſtate, but by the judgment of his peers, or the law of the land.

And the legiſlature ſhall not make any law, that ſhall ſubject any perſon to a capital or infamous puniſhment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal proſecutions, the verification of facts in the vicinity where they happen, is one of the greateſt ſecurities of the life, liberty and property of the citizen.

XIV. Every ſubject has a right to be ſecure from all unreaſonable ſearches, and ſeizures, of his perſon, his houſes, his papers, and all his poſſeſſions. All warrants, therefore, are contrary

trary to this right, if the cauſe or foundation of them be not previouſly ſupported by oath or affirmation; and if the order in a warrant to a civil officer, to make ſearch in all ſuſpected places, or to arreſt one or more ſuſpected perſons, or to ſeize their property, be not accompanied with a ſpecial deſignation of the perſons or objects of ſearch, arreſt, or ſeizure; and no warrant ought to be iſſued, but in caſes and with the formalities preſcribed by the laws.

XV. In all controverſies concerning property, and in all ſuits between two or more perſons, except in caſes in which it has heretofore been otherways uſed and practiſed, the parties have a right to a trial by a jury; and this method of procedure ſhall be held ſacred, unleſs, in cauſes ariſing on the high ſeas, and ſuch as relate to mariners wages, the legiſlature ſhall hereafter find it neceſſary to alter it.

XVI. The liberty of the preſs is eſſential to the ſecurity of freedom in a State; it ought not, therefore, to be reſtrained in this Commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as in time

of

of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the legiſlature; and the military power ſhall always be held in exact ſubordination to the civil authority, and be governed by it.

XVIII. A frequent recurrence to the fundamental principles of the conſtitution, and a conſtant adherence to thoſe of piety, juſtice, moderation, temperance, induſtry, and frugality, are abſolutely neceſſary to preſerve the advantages of liberty, and to maintain a free government. The people ought, conſequently, to have a particular attention to all thoſe principles, in the choice of their officers and repreſentatives: and they have a right to require of their lawgivers and magiſtrates, an exact and conſtant obſervance of them, in the formation and execution of all laws neceſſary for the good adminiſtration of the Commonwealth.

XIX. The people have a right, in an orderly and peaceable manner, to aſſemble to conſult upon the common good; give inſtructions to their Repreſentatives; and to requeſt of the legiſlative body, by the way of addreſſes, petitions or remonſtrances, redreſs of the wrongs done them, and of the grievances they ſuffer.

XX. The

XX. The power of ſuſpending the laws, or the execution of the laws, ought never to be exerciſed but by the legiſlature, or by authority derived from it, to be exerciſed in ſuch particular caſes only as the legiſlature ſhall expreſly provide for.

XXI. The freedom of deliberation, ſpeech, and debate, in either Houſe of the Legiſlature, is ſo eſſential to the rights of the people, that it cannot be the foundation of any accuſation or proſecution, action or complaint, in any other court or place whatſoever.

XXII. The legiſlature ought frequently to aſſemble for the redreſs of grievances, for correcting, ſtrengthening, and confirming the laws, and for making new laws, as the common good may require.

XXIII. No ſubſidy, charge, tax, impoſt, or duties, ought to be eſtabliſhed, fixed, laid, or levied, under any pretext whatſoever, without the conſent of the people, or their repreſentatives in the legiſlature.

XXIV. Laws made to puniſh for actions done before the exiſtence of ſuch laws, and which have not been declared crimes by preceding laws, are unjuſt, oppreſſive, and in-

conſiſtent

conſiſtent with the fundamental principles of a free government.

XXV. No ſubject ought, in any caſe, or in any time, to be declared guilty of treaſon or felony by the legiſlature.

XXVI. No magiſtrate or court of law ſhall demand exceſſive bail or ſureties, impoſe exceſſive fines, or inflict cruel or unuſual puniſhments.

XXVII. In time of peace, no ſoldier ought to be quartered in any houſe without the conſent of the owner; and in time of war, ſuch quarters ought not to be made but by the civil magiſtrate, in a manner ordained by the legiſlature.

XXVIII. No perſon can in any caſe be ſubjected to law-martial, or to any penalties or pains by virtue of that law, except thoſe employed in the army or navy, and except the militia in actual ſervice, but by authority of the legiſlature.

XXIX. It is eſſential to the preſervation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and adminiſtration of juſtice. It is the right of every citizen

citizen to be tried by Judges as free, impartial, and independent, as the lot of humanity will admit. It is, therefore, not only the beſt policy, but for the ſecurity of the rights of the people, and of every citizen, that the Judges of the ſupreme judicial court ſhould hold their offices as long as they behave themſelves well; and that they ſhould have honourable ſalaries, aſcertained and eſtabliſhed by ſtanding laws.

XXX. In the government of this Commonwealth, the legiſlative department ſhall never exerciſe the executive and judicial powers, or either of them; the executive ſhall never exerciſe the legiſlative and judicial powers, or either of them; the judicial ſhall never exerciſe the legiſlative and executive powers, or either of them; to the end it may be a government of laws, and not of men.

PART II.

THE FRAME of GOVERNMENT.

THE people inhabiting the territory formerly called the Province of Maſſachuſetts-Bay do hereby ſolemnly and mutually agree with each other, to form themſelves into a Free, Sovereign, and Independent Body-politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAP. I.

The LEGISLATIVE POWER.

§. 1.

THE GENERAL COURT.

I. THE department of legiſlation ſhall be formed by two branches, a SENATE, and HOUSE OF REPRESENTATIVES, each of which ſhall have a negative on the other.

The legiſlative body ſhall aſſemble every year on the laſt Wedneſday in May, and at ſuch other times as they ſhall judge neceſſary; and ſhall

ſhall diſſolve and be diſſolved on the day next preceding the ſaid laſt Wedneſday in May; and ſhall be ſtiled THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or reſolve of the Senate or Houſe of Repreſentatives ſhall become a law, and have force as ſuch, until it ſhall have been laid before the Governor for his reviſal; and if he, upon ſuch reviſion, approve thereof, he ſhall ſignify his approbation by ſigning the ſame. But if he have any objection to the paſſing of ſuch bill or reſolve, he ſhall return the ſame, together with his objections thereto, in writing, to the Senate or Houſe of Repreſentatives, in which-ſoever the ſame ſhall have originated; who ſhall enter the objections ſent down by the Governor at large on their records, and proceed to reconſider the ſaid bill or reſolve. But if after ſuch reconſideration, two-thirds of the ſaid Senate or Houſe of Repreſentatives ſhall, notwithſtanding the ſaid objections, agree to paſs the ſame, it ſhall, together with the objections, be ſent to the other branch of the legiſlature, where it ſhall alſo be reconſidered, and if approved by two-thirds of the Mem-

bers preſent, it ſhall have the force of a law. But in all ſuch caſes, the votes of both Houſes ſhall be determined by yeas and nays; and the names of the perſons voting for or againſt the ſaid bill or reſolve, ſhall be entered upon the public records of the Commonwealth.

And in order to prevent unneceſſary delays, if any bill or reſolve ſhall not be returned by the Governor within five days after it ſhall have been preſented, the ſame ſhall have the force of a law.

III. The General Court ſhall for ever have full power and authority to erect and conſtitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, proceſſes, plaints, actions, matters, cauſes, and things whatſoever, ariſing or happening within the Commonwealth, or between or concerning perſons inhabiting, or reſiding, or brought within the ſame, whether the ſame be criminal or civil, or whether the ſaid crimes be capital or not capital, and whether the ſaid pleas be real, perſonal, or mixed; and for the awarding and making out of execution

cution thereupon: to which courts and judicatories are hereby given and granted full power and authority from time to time to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said General Court from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and

military officers of this Commonwealth, and the forms of ſuch oaths or affirmations as ſhall be reſpectively adminiſtered unto them for the execution of their ſeveral offices and places, ſo as the ſame be not repugnant or contrary to this Conſtitution; and to impoſe and levy proportional and reaſonable aſſeſſments, rates, and taxes, upon all the inhabitants of, and perſons reſident, and eſtates lying within the ſaid Commonwealth; and alſo to impoſe and levy reaſonable duties and exciſes upon any produce, goods, wares, merchandizes, and commodities whatſoever, brought into, produced, manufactured, or being within the ſame, to be iſſued and diſpoſed of by warrant under the hand of the Governor of this Commonwealth for the time being, with the advice and conſent of the Council, for the public ſervice, in the neceſſary defence and ſupport of the government of the ſaid Commonwealth, and the protection and preſervation of the ſubjects thereof, according to ſuch acts as are or ſhall be in force within the ſame.

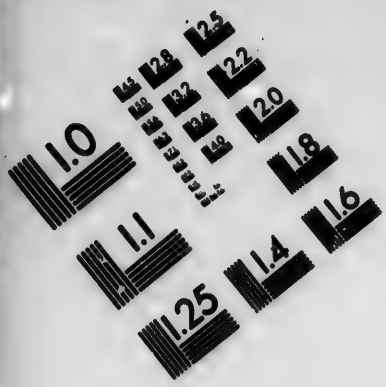
And while the public charges of government, or any part thereof, ſhall be aſſeſſed on polls and eſtates, in the manner that has hither-

to been practiſed; in order that ſuch aſſeſſments may be made with equality, there ſhall be a valuation of eſtates within the Commonwealth taken anew once in every ten years at the leaſt, and as much oftener as the General Court ſhall order.

§. 2.

SENATE.

I. THERE ſhall be annually elected by the freeholders and other inhabitants of this Commonwealth, qualified as in this Conſtitution is provided, forty perſons to be Councillors and Senators for the year enſuing their election, to be choſen by the inhabitants of the diſtricts into which the Commonwealth may from time to time be divided by the General Court for that purpoſe. And the General Court, in aſſigning the numbers to be elected by the reſpective diſtricts, ſhall govern themſelves by the proportion of the public taxes paid by the ſaid diſtricts; and timely make known to the inhabitants of the Commonwealth, the limits of



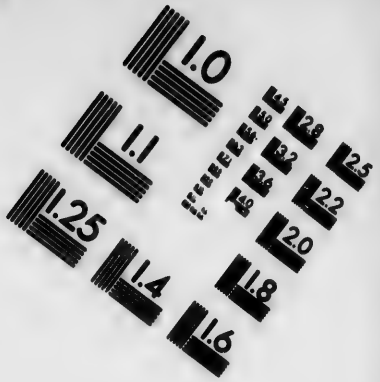
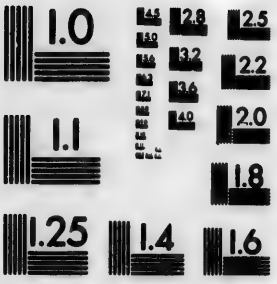
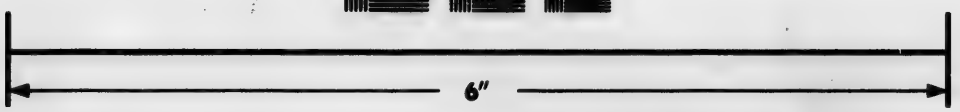
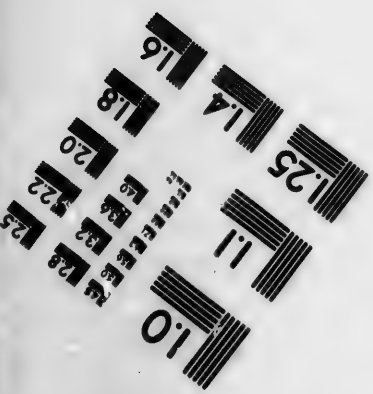
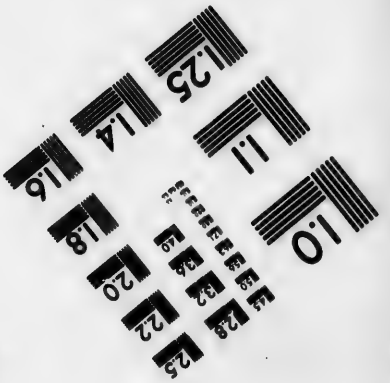


IMAGE EVALUATION TEST TARGET (MT-3)









Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

each diſtrict, and the number of Councillors and Senators to be choſen therein; provided that the number of ſuch diſtricts ſhall be never leſs than thirteen, and that no diſtrict be ſo large as to entitle the ſame to chuſe more than ſix Senators.

And the ſeveral counties in this Commonwealth ſhall, until the General Court ſhall determine it neceſſary to alter the ſaid diſtricts, be diſtricts for choice of Councillors and Senators (except that the counties of Dukes-county and Nantucket ſhall form one diſtrict for that purpoſe), and ſhall elect the following number for Councillors and Senators, viz.

Suffolk	Six	York	Two
Eſſex	Six	Dukes-county and Nantucket	One
Middleſex	Five		
Hampſhire	Four	Worceſter	Five
Plymouth	Three	Cumberland	One
Barnſtable	One	Lincoln	One
Briſtol	Three	Berkſhire	Two

II. The Senate ſhall be the firſt branch of the legiſlature; and the Senators ſhall be choſen in the following manner, viz. There ſhall be a meeting on the firſt Monday in April annually, forever

forever, of the inhabitants of each town in the ſeveral counties of this Commonwealth, to be called by the Selectmen, and warned in due courſe of law, at leaſt ſeven days before the firſt Monday in April, for the purpoſe of electing perſons to be Senators and Councillors: and at ſuch meetings every male inhabitant of twenty-one years of age and upwards, having a freehold eſtate within the Commonwealth of the annual income of three pounds, or any eſtate of the value of ſixty pounds, ſhall have a right to give in his vote for the Senators for the diſtrict of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this Conſtitution, every perſon ſhall be conſidered as an inhabitant, for the purpoſe of electing and being elected into any office or place within this State, in that town, diſtrict, or plantation, where he dwelleth, or hath his home.

The Selectmen of the ſeveral towns ſhall preſide at ſuch meetings impartially; and ſhall receive the votes of all the inhabitants of ſuch towns preſent and qualified to vote for Senators, and ſhall ſort and count them in open town-meeting, and in preſence of the town-clerk, who ſhall make a fair record, in preſence of the

Select-

Selectmen, and in open town-meeting, of the name of every perſon voted for, and of the number of votes againſt his name; and a fair copy of this record ſhall be atteſted by the Selectmen and the Town-clerk, and ſhall be ſealed up, directed to the Secretary of the Commonwealth for the time being, with a ſuperſcription expreſſing the purport of the contents thereof, and delivered by the town-clerk of ſuch towns to the ſheriff of the county in which ſuch town lies, thirty days at leaſt before the laſt Wedneſday in May annually; or it ſhall be delivered into the Secretary's office ſeventeen days at leaſt before the ſaid laſt Wedneſday in May; and the ſheriff of each county ſhall deliver all ſuch certificates by him received into the Secretary's office ſeventeen days before the ſaid laſt Wedneſday in May.

And the inhabitants of plantations unincorporated, qualified as this Conſtitution provides, who are or ſhall be impowered or required to aſſeſs taxes upon themſelves towards the ſupport of government, ſhall have the ſame privilege of voting for Councillors and Senators in the plantations where they reſide, as town inhabitants have in their reſpective towns; and the plantation meetings for that purpoſe ſhall be held

held annually on the ſame firſt Monday in April, at ſuch place in the plantations reſpectively as the aſſeſſors thereof ſhall direct; which aſſeſſors ſhall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and town-clerks have in their ſeveral towns by this Conſtitution. And all other perſons living in places unincorporated (qualified as aforeſaid) who ſhall be aſſeſſed to the ſupport of government by the aſſeſſors of an adjacent town, ſhall have the privilege of giving in their votes for Councillors and Senators, in the town where they ſhall be aſſeſſed, and be notified of the place of meeting by the Selectmen of the town where they ſhall be aſſeſſed, for that purpoſe accordingly.

III. And that there may be a due convention of Senators on the laſt Wedneſday in May annually, the Governor and five of the Council for the time being ſhall, as ſoon as may be, examine the returned copies of ſuch records; and fourteen days before the ſaid day he ſhall iſſue his ſummons to ſuch perſons as ſhall appear to be choſen by the majority of voters, to attend on that day and take their ſeats accordingly; provided nevertheleſs, that for the firſt

year

year the ſaid returned copies ſhall be examined by the Preſident and five of the Council of the former Conſtitution of Government; and the ſaid Preſident ſhall, in like manner, iſſue his ſummons to the perſons ſo elected, that they may take their ſeats as aforeſaid.

IV. The Senate ſhall be the final judge of the elections, returns, and qualifications of their own members, as pointed out in the Conſtitution; and ſhall, on the ſaid laſt Wedneſday in May annually, determine and declare who are elected by each diſtrict to be Senators by a majority of votes: and in caſe there ſhall not appear to be the full number of Senators elected by a majority of votes for any diſtrict, the deficiency ſhall be ſupplied in the following manner, viz. The Members of the Houſe of Repreſentatives, and ſuch Senators as ſhall be declared elected, ſhall take the names of ſuch perſons as ſhall be found to have the higheſt number of votes in ſuch diſtrict, and not elected, amounting to twice the number of Senators wanting, if there be ſo many voted for; and out of theſe ſhall elect by ballot a number of Senators ſufficient to fill up the vacancies in ſuch diſtrict: and in this manner all ſuch vacancies

ſhall

ſhall be filled in every diſtrict of the Commonwealth; and in like manner all vacancies in the Senate, ariſing by death, removal out of the State, or otherwiſe, ſhall be ſupplied as ſoon as may be, after ſuch vacancies ſhall happen.

V. Provided nevertheleſs, that no perſon ſhall be capable of being elected as a Senator, who is not ſeized in his own right of a freehold within this Commonwealth of the value of three hundred pounds at leaſt, or poſſeſſed of perſonal eſtate to the value of ſix hundred pounds at leaſt, or of both to the amount of the ſame ſum, and who has not been an inhabitant of this Commonwealth for the ſpace of five years immediately preceding his election, and at the time of his election he ſhall be an inhabitant in the diſtrict for which he ſhall be choſen.

VI. The Senate ſhall have power to adjourn themſelves, provided ſuch adjournments do not exceed two days at a time.

VII. The Senate ſhall chuſe its own Preſident, appoint its own officers, and determine its own rules of proceedings.

VIII. The Senate ſhall be a court with full authority to hear and determine all impeachments made by the Houſe of Repreſentatives againſt

againſt any officer or officers of the Commonwealth, for miſconduct and mal-adminiſtration in their offices. But previous to the trial of every impeachment, the Members of the Senate ſhall reſpectively be ſworn, truly and impartially to try and determine the charge in queſtion according to evidence. Their judgment, however, ſhall not extend further than to removal from office, and diſqualification to hold or enjoy any place of honour, truſt, or profit, under this Commonwealth: but the party ſo convicted ſhall be, nevertheleſs, liable to indictment, trial, judgment, and puniſhment, according to the laws of the land.

IX. Not leſs than ſixteen Members of the Senate ſhall conſtitute a Quorum for doing buſineſs.

§ 3.

HOUSE OF REPRESENTATIVES.

I. THERE ſhall be in the legiſlature of this Commonwealth a Repreſentation of the People, annually elected, and founded upon the principle of equality.

II. And

II. And in order to provide for a Repreſentation of the Citizens of this Commonwealth founded on the principle of equality, every corporate town containing one hundred and fifty rateable polls, may elect one Repreſentative: every corporate town containing three hundred and ſeventy-five rateable polls, may elect two Repreſentatives: every corporate town containing ſix hundred rateable polls, may elect three Repreſentatives; and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increaſing number for every additional Repreſentative.

Provided nevertheleſs, that each town now incorporated not having one hundred and fifty rateable polls, may elect one Repreſentative: but no place ſhall hereafter be incorporated with the privilege of electing a Repreſentative, unleſs there are within the ſame one hundred and fifty rateable polls.

And the Houſe of Repreſentatives ſhall have power from time to time to impoſe fines upon ſuch towns as ſhall neglect to chuſe and return Members to the ſame, agreeably to this Conſtitution.

The expences of travelling to the General Aſſembly,

Assembly, and returning home once in every session and no more, shall be paid by the Government out of the public treasury, to every Member who shall attend as seasonably as he can, in the judgment of the House, and does not depart without leave.

III. Every Member of the House of Representatives shall be chosen by written votes; and for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any rateable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.

IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding, having a freehold estate within the same town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a Representative or Representatives for the said town.

V. The

V. The Members of the Houſe of Repreſentatives ſhall be choſen annually in the month of May, ten days at leaſt before the laſt Wedneſday of that month.

VI. The Houſe of Repreſentatives ſhall be the grand inqueſt of this Commonwealth; and all impeachments made by them ſhall be heard and tried by the Senate.

VII. All money-bills ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments as on other bills.

VIII. The Houſe of Repreſentatives ſhall have power to adjourn themſelves, provided ſuch adjournment ſhall not exceed two days at a time.

IX. Not leſs than ſixty Members of the Houſe of Repreſentatives ſhall conſtitute a Quorum for doing buſineſs.

X. The Houſe of Repreſentatives ſhall be the judge of the returns, elections, and qualifications of its own Members, as pointed out in the Conſtitution; ſhall chuſe their own Speaker, appoint their own officers, and ſettle the rules and orders of proceeding in their own Houſe. They ſhall have authority to puniſh by impri-

ſonment every perſon, not a Member, who ſhall be guilty of diſreſpect to the Houſe, by any diſorderly or contemptuous behaviour in its preſence; or who, in the town where the General Court is ſitting, and during the time of its ſitting, ſhall threaten harm to the body or eſtate of any of its Members, for any thing ſaid or done in the Houſe; or who ſhall aſſault any of them therefor, and who ſhall aſſault or arreſt any witneſs or other perſon ordered to attend the Houſe, in his way in going or returning, or who ſhall reſcue any perſon arreſted by the order of the Houſe.

And no Member of the Houſe of Repreſentatives ſhall be arreſted or held to bail on meſne proceſs, during his going unto, returningfrom, or his attending the General Aſſembly.

XI. The Senate ſhall have the ſame powers in the like caſes; and the Governor and Council ſhall have the ſame authority to puniſh in like caſes. Provided, that no impriſonment on the warrant or order of the Governor, Council, Senate, or Houſe of Repreſentatives, for either of the above-deſcribed offences, be for a term exceeding thirty days.

And

And the Senate and Houſe of Repreſentatives may try, and determine, all caſes where their rights and privileges are concerned, and which, by the Conſtitution, they have authority to try and determine, by committees of their own members, or in ſuch other way as they may reſpectively think beſt.

CHAP. II.

EXECUTIVE POWER.

§. 1.

GOVERNOR.

I. THERE ſhall be a ſupreme executive magiſtrate, who ſhall be ſtiled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whoſe title ſhall be, HIS EXCELLENCY.

II. The Governor ſhall be choſen annually: and no perſon ſhall be eligible to this office, unleſs at the time of his election he ſhall have been an inhabitant of this Commonwealth for ſeven years next preceding; and unleſs he ſhall, at the ſame time, be ſeized in his own

right of a freehold within the Commonwealth of the value of one thouſand pounds; and unleſs he ſhall declare himſelf to be of the Chriſtian religion.

III. Thoſe perſons who ſhall be qualified to vote for Senators and Repreſentatives within the ſeveral towns of this Commonwealth, ſhall, at a meeting to be called for that purpoſe, on the firſt Monday of April annually, give in their votes for a Governor, to the Selectmen who ſhall preſide at ſuch meetings; and the town-clerk, in the preſence, and with the aſſiſtance of the Selectmen, ſhall, in open town-meeting, ſort and count the votes, and form a liſt of the perſons voted for, with the number of votes for each perſon againſt his name; and ſhall make a fair record of the ſame in the town-books, and a public declaration thereof in the ſaid meeting; and ſhall, in the preſence of the inhabitants, ſeal up copies of the ſaid liſt, atteſted by him and the Selectmen, and tranſmit the ſame to the ſheriff of the county, thirty days at leaſt before the laſt Wedneſday in May; and the ſheriff ſhall tranſmit the ſame to the Secretary's office, ſeventeen days at leaſt before the ſaid laſt Wedneſ-

day

day in May; or the Selectmen may cause returns of the same to be made to the office of the Secretary of the Commonwealth, seventeen days at least before the said day; and the Secretary shall lay the same before the Senate, and the House of Representatives, on the last Wednesday in May, to be by them examined: and in case of an election by the majority of all the votes returned, the choice shall be by them declared and published: but if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the Senate of the two persons so elected; on which the Senate shall proceed, by ballot, to elect one, who shall be declared Governor.

IV. The Governor shall have authority from time to time, at his discretion, to assemble and call together the Councillors of this Commonwealth for the time being; and the Governor, with the said Councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering

and directing the affairs of the Commonwealth, agreeably to the Conſtitution and the laws of the land.

V. The Governor, with advice of Council, ſhall have full power and authority, during the ſeſſion of the General Court, to adjourn or prorogue the ſame, to any time the two Houſes ſhall deſire; and to diſſolve the ſame, on the day next preceding the laſt Wedneſday in May; and, in the receſs of the ſaid Court, to prorogue the ſame, from time to time, not exceeding ninety days in any one receſs; and to call it together ſooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth ſhall require the ſame. And in caſe of any infectious diſtemper prevailing in the place where the ſaid Court is next at any time to convene, or any other cauſe happening whereby danger may ariſe to the health or lives of the Members from their attendance, he may direct the ſeſſion to be held at ſome other the moſt convenient place within the State.

And the Governor ſhall diſſolve the ſaid General Court on the day next preceding the laſt Wedneſday in May.

VI. In

VI. In cases of disagreement between the two Houses with regard to the necessity, expediency, or time of adjournment or prorogation, the Governor, with the advice of the Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days, as he shall determine the public good shall require.

VII. The Governor of this Commonwealth for the time being shall be the Commander in Chief of the army and navy, and of all the military forces of the State by sea and land; and shall have full power by himself, or by any Commander, or other Officer or Officers, from time to time to train, instruct, exercise and govern the militia and navy, and for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth; and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprizes, and means whatsoever, all and

every such person and persons as shall, at any time hereafter, in a hostile manner attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this Commonwealth; and that the Governor be entrusted with all those and other powers incident to the offices of Captain-general and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land, and not otherwise.

Provided, that the said Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth,

or oblige them to march out of the limits of the ſame, without their free and voluntary conſent, or the conſent of the General Court, except ſo far as may be neceſſary to march or tranſport them by land or water for the defence of ſuch part of the State to which they cannot otherwiſe conveniently have acceſs.

VIII. The power of pardoning offences, except ſuch as perſons may be convicted of before the Senate by an impeachment of the Houſe, ſhall be in the Governor, by and with the advice of the Council: but no charter of pardon granted by the Governor, with advice of the Council, before conviction, ſhall avail the party pleading the ſame, notwithſtanding any general or particular expreſſions contained therein deſcriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, the attorney-general, ſolicitor-general, all ſheriffs, coroners, and regiſters of probate, ſhall be nominated and appointed by the Governor, by and with the advice and conſent of the Council; and every ſuch nomination ſhall be made by the Governor, and made at leaſt ſeven days prior to ſuch appointment.

X. The

X. The captains and ſubalterns of the militia ſhall be elected by the written votes of the train-band and alarm liſt of their reſpective companies of twenty-one years of age and upwards: the field-officers of regiments ſhall be elected by the written votes of the captains and ſubalterns of their reſpective regiments: the brigadiers ſhall be elected in like manner by the field-officers of their reſpective brigades: and ſuch officers ſo elected, ſhall be commiſſioned by the Governor, who ſhall determine their rank.

The legiſlature ſhall, by ſtanding laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the Governor the officers elected.

The major-generals ſhall be appointed by the Senate and Houſe of Repreſentatives, each having a negative upon the other; and be commiſſioned by the Governor.

And if the electors of brigadiers, field-officers, captains, or ſubalterns, ſhall neglect or refuſe to make ſuch elections, after being duly notified, according to the laws for the time being, then the Governor, with advice of Council, ſhall appoint ſuitable perſons to fill ſuch offices.

And

And no officer, duly commiſſioned to command in the militia, ſhall be removed from his office, but by the addreſs of both Houſes to the Governor, or by fair trial in court-martial, purſuant to the laws of the Commonwealth for the time being.

The commanding officers of regiments ſhall appoint their adjutants and quarter-maſters; the brigadiers their brigade-majors; and the major-generals their aids; and the Governor ſhall appoint the adjutant-general.

The Governor, with advice of Council, ſhall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth ſhall appoint, as alſo all officers of forts and garriſons.

The diviſions of the militia into brigades, regiments and companies, made in purſuance of the militia laws now in force, ſhall be conſidered as the proper diviſions of the militia of this Commonwealth, until the ſame ſhall be altered in purſuance of ſome future law.

XI. No monies ſhall be iſſued out of the treaſury of this Commonwealth, and diſpoſed of (except ſuch ſums as may be appropriated for

for the redemption of bills of credit or treasurers notes, or for the payment of interests arising thereon) but by warrant under the hand of the Governor for the time being, with the advice and consent of the Council, for the necessary defence and support of the Commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small-arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons: and the said commanding officer shall exhibit to the Governor, when required

quired by him, true and exact plans of such forts, and of the land and sea, or habour or harbours adjacent.

And the said boards, and all public officers, shall communicate to the Governor, as soon as may be after receiving the same, all letters, dispatches, and intelligence of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the Governor should not be under the undue influence of any of the Members of the General Court, by a dependence on them for his support—that he should in all cases act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honourable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the General Court, after the commencement of this Constitution, to establish such salary by law accordingly.

Permanent

Permanent and honourable ſalaries ſhall alſo be eſtabliſhed by law for the Juſtices of the Supreme Judicial Court.

And if it ſhall be found that any of the ſalaries aforeſaid, ſo eſtabliſhed, are inſufficient, they ſhall from time to time be enlarged as the General Court ſhall judge proper.

§. 2.

LIEUTENANT-GOVERNOR.

I. THERE ſhall be annually elected a Lieutenant-Governor of the Commonwealth of Maſſachuſett's, whoſe title ſhall be, His Honour; and who ſhall be qualified, in point of religion, property, and reſidence in the Commonwealth, in the ſame manner with the Governor: and the day and manner of his election, and the qualifications of the electors, ſhall be the ſame as are required in the election of a Governor. The return of the votes for this officer, and the declaration of his election, ſhall be in the ſame manner: and if no one perſon ſhall be found to have a majority of all the votes returned, the vacancy ſhall be filled by the Senate and Houſe of Repreſentatives, in the ſame manner as the Governor is to be elected,

elected, in case no one person shall have a majority of the votes of the people to be Governor.

II. The Governor, and in his absence the Lieutenant-Governor, shall be President of the Council, but shall have no vote in Council: and the Lieutenant-Governor shall always be a member of the Council, except when the chair of the Governor shall be vacant.

III. Whenever the chair of the Governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the Lieutenant-Governor for the time being shall, during such vacancy, perform all the duties incumbent upon the Governor, and shall have and exercise all the powers and authorities which by this Constitution the Governor is vested with, when personally present.

§. 3.

COUNCIL,

AND THE MANNER OF SETTLING ELECTIONS BY THE LEGISLATURE.

I. THERE shall be a Council for advising the Governor in the executive part of government, to consist of nine persons besides the Lieute-

Lieutenant-Governor, whom the Governor for the time being ſhall have full power and authority, from time to time, at his diſcretion, to aſſemble and call together. And the Governor, with the ſaid Councillors, or five of them at leaſt, ſhall and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

II. Nine Councillors ſhall be annually choſen from among the perſons returned for Councillors and Senators, on the laſt Wedneſday in May, by the joint ballot of the Senators and Repreſentatives aſſembled in one room: and in caſe there ſhall not be found, upon the firſt choice, the whole number of nine perſons who will accept a ſeat in the Council, the deficiency ſhall be made up by the electors aforeſaid from among the people at large; and the number of Senators left ſhall conſtitute the Senate for the year. The ſeats of the perſons thus elected from the Senate, and accepting the truſt, ſhall be vacated in the Senate.

III. The Councillors, in the civil arrangements of the Commonwealth, ſhall have rank next after the Lieutenant-Governor.

IV. Not

IV. Not more than two Councillors ſhall be choſen out of any one diſtrict of this Commonwealth.

V. The reſolutions and advice of the Council ſhall be recorded in a regiſter, and ſigned by the members preſent; and this record may be called for at any time by either Houſe of the legiſlature; and any Member of the Council may inſert his opinion contrary to the reſolution of the majority.

VI. Whenever the office of the Governor and Lieutenant-Governor ſhall be vacant, by reaſon of death, abſence, or otherwiſe, then the Council, or the major part of them, ſhall during ſuch vacancy have full power and authority to do, and execute, all and every ſuch acts, matters and things, as the Governor or the Lieutenant-Governor might or could, by virtue of this Conſtitution, do or execute, if they or either of them were perſonally preſent.

VII. And whereas the elections appointed to be made by this Conſtitution, on the laſt Wedneſday in May annually, by the two Houſes of the legiſlature, may not be compleated on that day, the ſaid elections may be adjourned from day to day until the ſame ſhall be com-

pleated. And the order of elections ſhall be as follows: The vacancies in the Senate, if any, ſhall firſt be filled up; the Governor and Lieutenant-Governor ſhall then be elected, provided there ſhould be no choice of them by the people; and afterwards the two Houſes ſhall proceed to the election of the Council.

§. 4.

SECRETARY, TREASURER, COMMISSARY, ETC.

I. THE Secretary, Treaſurer and Receiver-General, and the Commiſſary-General, Notaries-Public, and Naval Officers, ſhall be choſen annually, by joint ballot of the Senators and Repreſentatives, in one room. And that the citizens of this Commonwealth may be aſſured, from time to time, that the monies remaining in the Public Treaſury, upon the ſettlement and liquidation of the public accounts, are their property, no man ſhall be eligible as Treaſurer and Receiver-General more than five years ſucceſſively.

II. The records of the Commonwealth ſhall be kept in the office of the Secretary, who may appoint his deputies, for whoſe conduct he ſhall be

be accountable; and he ſhall attend the Governor and Council, the Senate and Houſe of Repreſentatives, in perſon, or by his deputies, as they ſhall reſpectively require.

CHAP. III.

JUDICIARY POWER.

I. THE tenure that all commiſſion officers ſhall by law have in their offices ſhall be expreſſed in their reſpective commiſſions. All judicial officers, duly appointed, commiſſioned and ſworn, ſhall hold their offices during good behaviour, excepting ſuch concerning whom there is different proviſion made in this Conſtitution: provided, nevertheleſs, the Governor, with conſent of the Council, may remove them upon the addreſs of both Houſes of the legiſlature.

II. Each branch of the legiſlature, as well as the Governor and Council, ſhall have authority to require the opinions of the Juſtices of the Supreme Judicial Court, upon important queſtions of law, and upon ſolemn occaſions.

III. In order that the people may not ſuffer from the long continuance in place of any

juſtice of the peace who ſhall fail of diſcharging the important duties of his office with ability or fidelity, all commiſſions of juſtices of the peace ſhall expire and become void in the term of ſeven years from their reſpective dates; and upon the expiration of any commiſſion, the ſame may, if neceſſary, be renewed, or another perſon appointed, as ſhall moſt conduce to the well-being of the Commonwealth.

IV. The Judges of probate of wills, and for granting letters of adminiſtration, ſhall hold their courts at ſuch place or places, on fixed days, as the convenience of the people ſhall require; and the legiſlature ſhall, from time to time, hereafter appoint ſuch times and places; until which appointments, the ſaid courts ſhall be holden at the times and places which the reſpective Judges ſhall direct.

V. All cauſes of marriage, divorce and alimony, and all appeals from the Judges of probate, ſhall be heard and determined by the Governor and Council, until the legiſlature ſhall by law make other proviſion.

CHAP.

CHAP. IV.

DELEGATES TO CONGRESS.

THE Delegates of this Commonwealth to the Congreſs of the United States ſhall, ſome time in the month of June annually, be elected by the joint ballot of the Senate and Houſe of Repreſentatives, aſſembled together in one room, to ſerve in Congreſs for one year, to commence on the firſt Monday in November then next enſuing. They ſhall have commiſſions under the hand of the Governor and the great ſeal of the Commonwealth; but may be recalled at any time within the year, and others choſen and commiſſioned, in the ſame manner, in their ſtead.

CHAP. V.

The UNIVERSITY of CAMBRIDGE, AND ENCOURAGEMENT of LITERATURE, &c.

§. 1.

THE UNIVERSITY.

I. WHEREAS our wiſe and pious anceſtors, ſo early as the year one thouſand ſix hundred and thirty-ſix, laid the foundation of Harvard College, in which univerſity many perſons of great eminence have, by the bleſſing of God, been initiated in thoſe arts and ſciences which qualified them for public employments, both in church and ſtate; and whereas the encouragement of arts and ſciences, and all good literature, tends to the honour of God, the advantage of the Chriſtian religion, and the great benefit of this and the other United States of America: it is declared, that the Preſident and Fellows of Harvard College, in their corporate capacity, and their ſucceſſors in that capacity, their officers and ſervants, ſhall have, hold, uſe, exerciſe and enjoy all the powers, authorities, rights, liberties,

liberties, privileges, immunities and franchiſes, which they now have, or are entitled to have, hold, uſe, exerciſe and enjoy: and the ſame are hereby ratified and confirmed unto them, the ſaid Preſident and Fellows of Harvard College, and to their ſucceſſors, and to their officers and ſervants, reſpectively, for ever.

II. And whereas there have been at ſundry times, by divers perſons, gifts, grants, deviſes of houſes, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College, in Cambridge, in New-England, or to the Preſident and Fellows of Harvard College, or to the ſaid College by ſome other deſcription, under ſeveral charters ſucceſſively: it is declared, that all the ſaid gifts, grants, deviſes, legacies, and conveyances, are hereby forever confirmed unto the Preſident and Fellows of Harvard College, and to their ſucceſſors in the capacity aforeſaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviſor or deviſors.

III. And whereas, by an act of the General Court of the Colony of Maſſachuſetts-Bay, paſſed in the year one thouſand ſix hundred and

forty-two, the Governor and Deputy-Governor for the time being, and all the magiſtrates of that juriſdiction, were, with the Preſident, and a number of the Clergy in the ſaid act deſcribed, conſtituted the Overſeers of Harvard College; and it being neceſſary, in this new Conſtitution of Government, to aſcertain who ſhall be deemed ſucceſſors to the ſaid Governor, Deputy-Governor, and magiſtrates: it is declared, that the Governor, Lieutenant-Governor, Council, and Senate of this Commonwealth are, and ſhall be deemed their ſucceſſors; who, with the Preſident of Harvard College for the time being, together with the miniſters of the congregational churches in the towns of Cambridge, Watertown, Charleſtown, Boſton, Roxbury, and Dorcheſter, mentioned in the ſaid act, ſhall be, and hereby are, veſted with all the powers and authority belonging, or in any way appertaining, to the Overſeers of Harvard College; provided, that nothing herein ſhall be conſtrued to prevent the legiſlature of this Commonwealth from making ſuch alterations in the government of the ſaid univerſity, as ſhall be conducive to its advantage, and the intereſt of the republic of letters, in as full a manner

manner as might have been done by the legiſlature of the late Province of the Maſſachuſetts-Bay.

§ 2.

THE ENCOURAGEMENT OF LITERATURE.

WISDOM and knowledge, as well as virtue, diffuſed generally among the body of the people, being neceſſary for the preſervation of their rights and liberties; and as theſe depend on ſpreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people; it ſhall be the duty of the legiſlatures and magiſtrates, in all future periods of this Commonwealth, to cheriſh the intereſts of literature and the ſciences, and all ſeminaries of them; eſpecially the univerſity at Cambridge, public ſchools and grammar-ſchools in the towns; to encourage private ſocieties and public inſtitutions, rewards and immunities, for the promotion of agriculture, arts, ſciences, commerce, trades, manufactures, and a natural hiſtory of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, induſtry

duſtry and frugality, honeſty and punctuality in their dealings; ſincerity, good-humour, and all ſocial affections and generous ſentiments among the people.

CHAP. VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

I. ANY perſon choſen Governor, Lieutenant-Governor, Councillor, Senator, or Repreſentative, and accepting the truſt, ſhall, before he proceed to execute the duties of his place or office, make and ſubſcribe the following declaration, viz.

"I, A. B. do declare, that I believe the Chriſtian religion, and have a firm perſuaſion of its truth; and that I am ſeized and poſſeſſed, in my own right, of the property required by the Conſtitution as one qualification for the office or place to which I am elected."

And

And the Governor, Lieutenant-Governor, and Councillors, ſhall make and ſubſcribe the ſaid declaration in the preſence of the two Houſes of Aſſembly; and the Senators and Repreſentatives firſt elected under this Conſtitution, before the Preſident and five of the Council of the former Conſtitution, and forever afterwards before the Governor and Council for the time being.

And every perſon choſen to either of the places or offices aforeſaid, as alſo any perſon appointed or commiſſioned to any judicial, executive, military, or other office under the Government, ſhall, before he enters on the diſcharge of the buſineſs of his place or office, take and ſubſcribe the following declaration, and oaths or affirmations, viz.

"I, A. B. do truly and ſincerely acknowledge, profeſs, teſtify and declare, that the Commonwealth of Maſſachuſetts is, and of right ought to be, a Free, Sovereign, and Independent State; and I do ſwear, that I will bear true faith and allegiance to the ſaid Commonwealth, and that I will defend the ſame againſt traitorous conſpiracies and all hoſtile attempts whatſoever: And that I do renounce and abjure all allegiance, ſubjection, and obedience, to the King

King, Queen, or Government of Great Britain (as the case may be), and every other foreign power whatsoever: And that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth, except the authority or power which is or may be vested by their constituents in the Congress of the United States. And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgement, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation, whatsoever. So help me God."

"I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the rules and

and regulations of the Conſtitution, and the laws of this Commonwealth. So help me God."

Provided always, that when any perſon choſen or appointed as aforeſaid ſhall be of the denomination of the people called Quakers, and ſhall decline taking the ſaid oaths, he ſhall make his affirmation in the foregoing form, and ſubſcribe the ſame, omitting the words, "*I do ſwear*," "*and abjure*," "*oath or*," "*and abjuration*," in the firſt oath; and in the ſecond oath, the words, "*ſwear and*;" and in each of them the words, "*So help me God*;" ſubjoining inſtead thereof, "*This I do under the pains and penalties of perjury.*"

And the ſaid oaths or affirmations ſhall be taken and ſubſcribed by the Governor, Lieutenant-Governor, and Councillors, before the Preſident of the Senate, in the preſence of the two Houſes of Aſſembly; and by the Senators and Repreſentatives firſt elected under this Conſtitution, before the Preſident and five of the Council of the former Conſtitution; and forever afterwards before the Governor and Council for the time being; and by the reſidue of the officers aforeſaid, before ſuch perſons and in ſuch manner as from time to time ſhall be preſcribed by the legiſlature.

II. No

II. No Governor, Lieutenant-Governor, or Judge of the Supreme Judicial Court, ſhall hold any other office or place under the authority of this Commonwealth, except ſuch as by this Conſtitution they are admitted to hold; ſaving that the Judges of the ſaid court may hold the offices of juſtices of the peace through the State; nor ſhall they hold any other place or office, or receive any penſion or ſalary from any other State or Government or Power whatever.

No perſon ſhall be capable of holding or exerciſing at the ſame time more than one of the following offices within this State, viz. Judge of Probate, Sheriff, Regiſter of Probate, or Regiſter of Deeds; and never more than any two offices which are to be held by appointment of the Governor, or the Governor and Council, or the Senate, or the Houſe of Repreſentatives, or by the election of the people of the State at large, or of the people of any county, military offices and the office of juſtice of the peace excepted, ſhall be held by one perſon.

No perſon holding the office of Judge of the Supreme Judicial Court, Secretary, Attorney-general, Solicitor-general, Treaſurer or Receiver-general, Judge of Probate, Commiſſary-

ſary-general; Preſident, Profeſſor, or Inſtructor of Harvard College; Sheriff, Clerk of the Houſe of Repreſentatives, Regiſter of Probate, Regiſter of Deeds, Clerk of the Supreme Judicial Court, Clerk of the Inferior Court of Common-pleas, or Officer of the Cuſtoms, including in this deſcription Naval Officers, ſhall at the ſame time have a ſeat in the Senate or Houſe of Repreſentatives; but their being choſen or appointed to, and accepting the ſame, ſhall operate as a reſignation of their ſeat in the Senate or Houſe of Repreſentatives, and the place ſo vacated ſhall be filled up.

And the ſame rule ſhall take place in caſe any Judge of the ſaid Supreme Judicial Court, or Judge of Probate, ſhall accept of a ſeat in Council; or any Councillor ſhall accept of either of thoſe offices or places.

And no perſon ſhall ever be admitted to hold a ſeat in the legiſlature, or any office of truſt or importance under the Government of this Commonwealth, who ſhall, in the due courſe of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III. In

III. In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver, at six shillings and eight-pence per ounce: and it shall be in the power of the legislature from time to time to increase such qualifications, as to property of the persons to be elected into offices, as the circumstances of the Commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the Governor and attested by the Secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

V. All writs issuing out of the clerk's office in any of the courts of law shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue: they shall bear test of the first Justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

VI. All the laws which have heretofore been adopted, used and approved in the Province, Colony, or State of Massachusetts-Bay, and usually

uſually practiſed on in the courts of law, ſhall ſtill remain and be in full force, until altered or repealed by the legiſlature; ſuch parts only excepted as are repugnant to the rights and liberties contained in this Conſtitution.

VII. The privilege and benefit of the writ of habeas-corpus ſhall be enjoyed in this Commonwealth, in the moſt free, eaſy, cheap, expeditious and ample manner; and ſhall not be ſuſpended by the legiſlature, except upon the moſt urgent and preſſing occaſions, and for a limited time not exceeding twelve months.

VIII. The enacting ſtyle in making and paſſing all acts, ſtatutes, and laws, ſhall be, "Be it enacted by the Senate and Houſe of Repreſentatives in General Court aſſembled, and by the authority of the ſame."

IX. To the end there may be no failure of juſtice, or danger ariſe to the Commonwealth from the change of the form of government—all officers, civil and military, holding commiſſions under the Government and People of Maſſachuſetts-Bay in New-England, and all other officers of the ſaid Government and People, at the time this Conſtitution ſhall take ef-

fect, ſhall have, hold, uſe, exerciſe, and enjoy all the powers and authority to them granted or committed, until other perſons ſhall be appointed in their ſtead: and all courts of law ſhall proceed in the execution of the buſineſs of their reſpective departments; and all the executive and legiſlative officers, bodies, and powers, ſhall continue in full force, in the enjoyment and exerciſe of all their truſts, employments, and authority, until the General Court, and the ſupreme and executive officers under this Conſtitution, are deſignated and inveſted with their reſpective truſts, powers and authority.

X. In order the more effectually to adhere to the principles of the Conſtitution, and to correct thoſe violations which by any means may be made therein, as well as to form ſuch alterations as from experience ſhall be found neceſſary, the General Court which ſhall be in the year of our Lord one thouſand ſeven hundred and ninety-five ſhall iſſue precepts to the Selectmen of the ſeveral towns, and to the Aſſeſſors of the unincorporated plantations, directing them to convene the qualified voters of their reſpective towns and plantations, for the purpoſe

purpoſe of collecting their ſentiments on the neceſſity or expediency of reviſing the Conſtitution, in order to amendments.

And if it ſhall appear by the returns made, that two-thirds of the qualified voters throughout the State who ſhall aſſemble and vote in conſequence of the ſaid precepts are in favour of ſuch reviſion and amendment, the General Court ſhall iſſue precepts, or direct them to be iſſued from the Secretary's office, to the ſeveral towns to elect Delegates to meet in convention, for the purpoſe aforeſaid.

The ſaid Delegates to be choſen in the ſame manner and proportion as their Repreſentatives in the ſecond branch of the legiſlature are by this Conſtitution to be choſen.

XI. This Form of Government ſhall be enrolled on parchment, and depoſited in the Secretary's office, and be a part of the laws of the land; and printed copies thereof ſhall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the ſaid laws.

JAMES BOWDOIN, PRESIDENT.

Atteſt. SAMUEL BARRET, *Secretary.*

RHODE-ISLAND.

RHODE-ISLAND CHARTER,

GRANTED BY

KING CHARLES II.

IN THE FOURTEENTH YEAR OF HIS REIGN.

Quintadecima pars Patentium Anno Regni Regis Caroli *Secundi Quintodecimo.*

CHARLES the Second, by the grace of God, &c. To all to whom theſe preſents ſhall come, greeting. Whereas we have been informed by the petition of our truſty and well-beloved ſubjects, John Clarke, on the behalf of Benedict Arnold, William Brenton, William Codington, Nicholas Eaſton, William Boulſton, John Porter, John Smith, Samuel Gorton, John Weekes, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeſhall, Joſeph Clarke, Randall Houlden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the reſt of the purchaſers and free inhabitants of our iſland called

called Rhode-Iſland, and the reſt of the colony of Providence Plantations, in the Narraganſet-Bay, in New England, in America, That they, purſuing with peace and loyal minds their ſober, ſerious, and religious intentions, of godly edifying themſelves and one another in the holy Chriſtian faith and worſhip as they were perſuaded, together with the gaining over and converſion of the poor ignorant Indian natives in thoſe parts of America to the ſincere profeſſion and obedience of the ſame faith and worſhip, did not only by the conſent and good encouragement of our royal progenitors, tranſport themſelves out of this kingdom of England into America; but alſo ſince their arrival there, after their firſt ſettlement among other our ſubjects in thoſe parts, for the avoiding of diſcord and thoſe many evils which were likely to enſue upon thoſe our ſubjects not being able to bear in thoſe remote parts their different apprehenſions in religious concernments; and in purſuance of the aforeſaid ends did once again leave their deſirable ſtations and habitations, and with exceſſive labour and travail, hazard and charge, did tranſplant themſelves into the midſt of the Indian natives, who, as we are informed, are the moſt potent princes and people of all that

country; where, by the good providence of God (from whom the plantations have taken their name) upon their labour and induſtry, they have not only been preſerved to admiration, but have encreaſed and proſpered, and are ſeized and poſſeſſed, by purchaſe and conſent of the ſaid natives, to their full content, of ſuch lands, iſlands, rivers, harbours, and roads, as are very convenient both for plantations, and alſo for building of ſhips, ſupply of pipe-ſtaves, and other merchandiſe, and which lye very commodious in many reſpects for commerce, and to accommodate our ſouthern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having, by near neighbourhood to, and friendly ſociety with, the great body of the Narraganſet Indians, given them encouragement, of their own accord, to ſubject themſelves, their people, and lands, unto us; whereby, as is hoped, there may, in time, by the bleſſing of God upon their endeavours, be laid a ſure foundation of happineſs to all America. And whereas, in their humble addreſs, they have freely declared, That it is much on their hearts (if they be permitted) to hold forth a lively experiment, that a moſt flou-

flouriſhing civil State may ſtand, and beſt be maintained, and that among our Engliſh ſubjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon goſpel principles, will give the beſt and greateſt ſecurity to ſovereignty, and will lay in the hearts of men the ſtrongeſt obligations to true loyalty: Now, know ye, that we being willing to encourage the hopeful undertaking of our ſaid loyal and loving ſubjects, and to ſecure them in the free exerciſe and enjoyment of all their civil and religious rights appertaining to them, as our loving ſubjects; and to preſerve unto them that liberty in the true Chriſtian faith and worſhip of God which they have ſought with ſo much travail, and with peaceable minds and loyal ſubjection to our royal progenitors and ourſelves, to enjoy; and becauſe ſome of the people and inhabitants of the ſame colony cannot, in their private opinion, conform to the public exerciſe of religion according to the liturgy, form, and ceremonies of the Church of England, or take or ſubſcribe the oaths and articles made and eſtabliſhed in that behalf; and for that the ſame, by reaſon of the remote diſtances of thoſe places, will, as we hope, be

no breach of the unity and uniformity eſtabliſhed in this nation, have therefore thought fit, and do hereby publiſh, grant, ordain, and declare, that our royal will and pleaſure is, That no perſon within the ſaid colony, at any time hereafter, ſhall be anywiſe moleſted, puniſhed, diſquieted, or called in queſtion, for any differences in opinion in matters of religion, who do not actually diſturb the civil peace of our ſaid colony; but that all and every perſon and perſons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgements and conſciences, in matters of religious concernments, throughout the tract of land hereafter-mentioned, they behaving themſelves peaceably and quietly, and not uſing this liberty to licentiouſneſs and profaneneſs, nor to the civil injury or outward diſturbance of others, any law, ſtatute or clauſe therein contained, or to be contained, uſage or cuſtom of this realm, to the contrary hereof, in any wiſe notwithſtanding. And that they may be in the better capacity to defend themſelves in their juſt rights and liberties, againſt all the enemies of the Chriſtian faith, and others, in all reſpects, we have further thought fit, and at the humble petition of the per-

perſons aforeſaid, are graciouſly pleaſed to declare, That they ſhall have and enjoy the benefit of our late act of indemnity, and free pardon, as the reſt of our ſubjects in other our dominions and territories have; and to create and make them a body politic or corporate, with the powers or privileges herein after-mentioned. And accordingly, our will and pleaſure is, and of our eſpecial grace, certain knowledge, and mere motion, we have ordained, conſtituted, and declared, and by theſe preſents, for us, our heirs and ſucceſſors, do ordain, conſtitute, and declare, That they the ſaid William Brenton, William Codington, Nicholas Eaſton, Benedict Arnold, William Boulſton, John Porter, Samuel Gorton, John Smith, John Weekes, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeſhall, Joſeph Clarke, Randall Houlden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, Rainſborrow, Williams, and John Nickſon, and all ſuch others as are now, or hereafter ſhall be admitted, free of the Company and Society of our Colony of Providence Plantations, in the Narraganſet-Bay, in New-England, ſhall be,

be, from time to time, and for ever hereafter, a body corporate and politic, in fact and name, by the name of the Governor and Company of the Engliſh Colony of Rhode-Iſland and Providence Plantations, in New-England, in America; and that by the ſame name, they and their ſucceſſors ſhall and may have perpetual ſucceſſion, and ſhall and may be perſons able and capable in the law to ſue and be ſued, to plead and be impleaded, to anſwer and to be anſwered unto, to defend and to be defended, in all and ſingular ſuits, cauſes, quarrels, matters, actions, and things, of what kind or nature ſoever; and alſo to have, take, poſſeſs, acquire, and purchaſe lands, tenements, or hereditaments, or any goods or chattels, and the ſame to leaſe, grant, demiſe, alien, bargain, ſell, and diſpoſe of, at their own will and pleaſure, as other our liege people of this our realm of England, or any corporation or body politic within the ſame, may lawfully do: and further, That they the ſaid Governor and Company, and their ſucceſſors, ſhall and may, for ever hereafter, have a common ſeal, to ſerve and uſe for all matters, cauſes, things, and affairs whatſoever, of them and their ſucceſſors, and the ſame ſeal to alter, change, break,

break, and make new from time to time, at their will and pleaſure, as they ſhall think fit. And further, we will and ordain, and by theſe preſents, for us, our heirs and ſucceſſors, do declare and appoint, That for the better ordering and managing of the affairs and buſineſs of the ſaid Company and their ſucceſſors, there ſhall be one Governor, one Deputy-Governor, and ten Aſſiſtants, to be from time to time conſtituted, elected, and choſen, out of the freemen of the ſaid Company for the time being, in ſuch manner and form as is hereafter in theſe preſents expreſſed; which ſaid officers ſhall apply themſelves to take care for the beſt diſpoſing and ordering of the general buſineſs and affairs of and concerning the lands and hereditaments herein after mentioned to be granted, and the plantation thereof, and the government of the people there. And for the better execution of our royal pleaſure herein, we do, for us, our heirs and ſucceſſors, aſſign, name, conſtitute and appoint, the aforeſaid Benedict Arnold to be the firſt and preſent Governor of the ſaid Company, and the ſaid William Brenton to be the Deputy-Governor, and the ſaid William Boulſton, John Porter,

Roger

Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeſhall, James Barker, William Field, and Joſeph Clarke, to be the ten preſent Aſſiſtants of the ſaid Company, to continue in the ſaid ſeveral offices reſpectively until the firſt Wedneſday which ſhall be in the month of May now next coming. And further, we will, and by theſe preſents, for us, our heirs and ſucceſſors, do ordain and grant, That the Governor of the ſaid Company for the time being, or in his abſence, by occaſion of ſickneſs or otherwiſe, by his leave or permiſſion the Deputy-Governor for the time being, ſhall and may, from time to time, upon all occaſions, give order for the aſſembling of the ſaid Company, and calling them together, to conſult and adviſe of the buſineſs and affairs of the ſaid Company; and that for ever hereafter, twice in every year, that is to ſay, on every firſt Wedneſday in the month of May, and on every laſt Wedneſday in October, or oftener, in caſe it ſhall be requiſite, the Aſſiſtants, and ſuch of the freemen of the ſaid Company, not exceeding ſix perſons for Newport, four perſons for each of the reſpective towns of Providence, Portſmouth, and Warwick, and two perſons for each other place, town or city, who ſhall be from time

time to time thereunto elected or deputed by the major part of the freemen of the reſpective towns or places for which they ſhall be ſo elected or deputed, ſhall have a general meeting or aſſembly, then and there to conſult, adviſe and determine, in and about the affairs and buſineſs of the ſaid Company and Plantations. And further, we do of our eſpecial grace, certain knowledge, and mere motion, give and grant unto the ſaid Governor and Company of the Engliſh colony of Rhode-Iſland and Providence Plantations, in New-England, in America, and their ſucceſſors, That the Governor, or in his abſence, or by his permiſſion, the Deputy-Governor, of the ſaid Company for the time being, the Aſſiſtants, and ſuch of the freemen of the ſaid Company as ſhall be ſo aforeſaid elected or deputed, or ſo many of them as ſhall be preſent at ſuch meeting or aſſembly as aforeſaid, ſhall be called the General Aſſembly; and that they, or the greateſt part of them then preſent, whereof the Governor, or Deputy-Governor, and ſix of the Aſſiſtants at leaſt, to be ſeven, ſhall have, and have hereby given and granted unto them full power and authority, from time to time, and

at

at all times hereafter, to appoint, alter, and change ſuch days, times and places of meeting, and General Aſſembly, as they ſhall think fit; and to chuſe, nominate, and appoint ſuch and ſo many perſons as they ſhall think fit, and ſhall be willing to accept the ſame, to be free of the ſaid Company and body politic, and them into the ſame to admit; and to elect and conſtitute ſuch offices and officers, and to grant ſuch needful commiſſions as they ſhall think fit and requiſite, for ordering, managing, and diſpatching of the affairs of the ſaid Governor and Company, and their ſucceſſors; and, from time to time, to make, ordain, conſtitute, or repeal, ſuch laws, ſtatutes, orders and ordinances, forms and ceremonies of government and magiſtracy, as to them ſhall ſeem meet, for the good and welfare of the ſaid Company, and for the government and ordering of the lands and hereditaments herein after mentioned to be granted, and of the people that do, or at any time hereafter ſhall inhabit, or be within the ſame; ſo as ſuch laws, ordinances, and conſtitutions, ſo made, be not contrary and repugnant unto, but as near as may be agreeable to the laws of this our realm of England, conſidering the nature and conſtitution of the place and people there;

there; and alſo to appoint, order, and direct, erect and ſettle ſuch places and courts of juriſdiction, for hearing and determining of all actions, caſes, matters, and things, happening within the ſaid colony and plantation, and which ſhall be in diſpute, and depending there, as they ſhall think fit; and alſo to diſtinguiſh and ſet forth the ſeveral names and titles, duties, powers and limits, of each court, office and officer, ſuperior and inferior; and alſo to contrive and appoint ſuch forms of oaths and atteſtations, not repugnant, but as near as may be agreeable, as aforeſaid, to the laws and ſtatutes of this our realm, as are convenient and requiſite, with reſpect to the due adminiſtration of juſtice, and due execution and diſcharge of all offices and places of truſt, by the perſons that ſhall be therein concerned; and alſo to regulate and order the way and manner of all elections to offices and places of truſt, and to preſcribe, limit and diſtinguiſh the number and bounds of all places, towns and cities, within the limits and bounds herein after mentioned, and not herein particularly named, who have or ſhall have the power of electing and ſending of freemen to the ſaid General Aſſembly; and alſo to order, direct and authoriſe,

the

the impoſing of lawful and reaſonable fines, mulcts, impriſonments, and executing other puniſhments, pecuniary and corporal, upon offenders and delinquents, according to the courſe of other corporations within this our kingdom of England: and again, to alter, revoke, annul or pardon, under their common ſeal, or otherwiſe, ſuch fines, mulcts, impriſonments, ſentences, judgments and condemnations, as ſhall be thought fit; and to direct, rule, order and diſpoſe of all other matters and things, and particularly that which relates to the making of purchaſes of the native Indians, as to them ſhall ſeem meet; whereby our ſaid people and inhabitants in the ſaid Plantations may be ſo religiouſly, peaceably, and civilly governed, as that by their good life and orderly converſation they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding, and requiring, and by theſe preſents, for us, our heirs, and ſucceſſors, ordaining and appointing, that all ſuch laws, ſtatutes, orders, and ordinances, inſtructions, impoſitions, and directions, as ſhall be ſo made by the Governor, Deputy, Aſſiſtants, and freemen, or ſuch number of

of them as aforesaid, and published in writing under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate or exemplification thereof, shall be to all and every such officers, superior or inferior, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions, and directions, in due execution against us, our heirs, and successors, a sufficient warrant and discharge. And further, our will and pleasure is, and we do hereby for us, our heirs, and successors, establish and ordain, that yearly, once in the year for ever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport or elsewhere, if urgent occasion do require, the Governor, Deputy-Governor, and Assistants of the said Company, and other officers of the said Company, or such of them as the General Assembly shall think fit, shall be in the said General Court or Assembly, to be held from that day or time, newly chosen for the year ensuing, by the greater part of the said Company for the time being as shall be then and there present. And if it shall happen that the present Governor,

Deputy-Governor, and Aſſiſtants, by theſe preſents appointed, or any ſuch as ſhall hereafter be newly choſen into their rooms, or any of them, or any other the officers of the ſaid Company, ſhall die, or be removed from his or their ſeveral offices or places, before the ſaid general day of election (whom we do hereby declare for any miſdemeanour or default to be removeable by the Governor, Aſſiſtants, and Company, or ſuch greater part of them, in any of the ſaid public courts to be aſſembled as aforeſaid), that then, and in every ſuch caſe, it ſhall and may be lawful to and for the ſaid Governor, Deputy-Governor, Aſſiſtants, and Company aforeſaid, or ſuch greater part of them ſo to be aſſembled, as is aforeſaid, in any of their aſſemblies, to proceed to a new election of one or more of their Company, in the room or place, rooms or places, of ſuch officer or officers ſo dying or removed, according to their directions. And immediately upon and after ſuch election or elections made of ſuch Governor, Deputy-Governor, Aſſiſtant or Aſſiſtants, or any other officer of the ſaid Company, in manner and form aforeſaid, the authority, office, and power before given to the former Governor, Deputy-Governor,

Governor, and other officer and officers ſo removed, in whoſe ſtead and place new ſhall be choſen, ſhall, as to him and them, and every of them reſpectively, ceaſe and determine: Provided always, and our will and pleaſure is, That as well ſuch as are by theſe preſents appointed to be the preſent Governor, Deputy-Governor, and Aſſiſtants of the ſaid Company, as thoſe which ſhall ſucceed them, and all other officers to be appointed and choſen as aforeſaid, ſhall, before the undertaking the execution of the ſaid offices and places reſpectively, give their ſolemn engagement by oath or otherwiſe, for the due and faithful performance of their duties in their ſeveral offices and places, before ſuch perſon or perſons as are by theſe preſents hereafter appointed to take and receive the ſame; that is to ſay, the ſaid Benedict Arnold, who is herein before nominated and appointed the preſent Governor of the ſaid Company, ſhall give the aforeſaid engagement before William Brenton, or any two of the ſaid Aſſiſtants of the ſaid Company, unto whom we do, by theſe preſents, give full power and authority to require and receive the ſame; and the ſaid William Brenton, who is hereby before nominated and appointed the preſent Deputy-Gover-

nor of the ſaid Company, ſhall give the aforeſaid engagement before the ſaid Benedict Arnold, or any two of the Aſſiſtants of the ſaid Company, unto whom we do, by theſe preſents, give full power and authority to require and receive the ſame; and the ſaid William Boulſton, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeſhall, James Barker, William Field, and Joſeph Clarke, who are herein before nominated and appointed the preſent Aſſiſtants of the Company, ſhall give the ſaid engagement to their offices and places reſpectively belonging, before the ſaid Benedict Arnold and William Brenton, or one of them, to whom reſpectively we do hereby give full power and authority to require, adminiſter, or receive the ſame. And further, our will and pleaſure is, that all and every other future Governor, or Deputy-Governor, to be elected and choſen by virtue of theſe preſents, ſhall give the ſaid engagement before two or more of the ſaid Aſſiſtants of the ſaid Company for the time being, unto whom we do, by theſe preſents, give full power and authority to require, adminiſter, or receive the ſame; and the ſaid Aſſiſtants, and every of them, and all and every other officer or officers, to be hereafter

after elected and choſen by virtue of theſe preſents, from time to time, ſhall give the like engagements to their offices and places reſpectively belonging, before the Governor or Deputy-Governor for the time being; unto which ſaid Governor or Deputy-Governor, we do by theſe preſents give full power and authority to require, adminiſter, or receive the ſame accordingly. And we do likewiſe for us, our heirs, and ſucceſſors, give and grant unto the ſaid Governor and Company, and their ſucceſſors, by theſe preſents, that for the more peaceable and orderly government of the ſaid Plantations, it ſhall and may be lawful for the Governor, Deputy-Governor, Aſſiſtants, and all other officers and miniſters of the ſaid Company, in the adminiſtration of juſtice and exerciſe of government in the ſaid Plantations, to uſe, exerciſe, and put in execution, ſuch methods, rules, orders, and directions, not being contrary and repugnant to the laws and ſtatutes of this our realm, as have been heretofore given, uſed, and accuſtomed in ſuch caſes reſpectively, to be put in practice, until at the next or ſome other General Aſſembly, eſpecial proviſion ſhall be made in the caſes aforeſaid. And we do further, for us, our heirs, and ſucceſſors, give

and grant unto the ſaid Governor and Company, and their ſucceſſors, by theſe preſents, that it ſhall and may be lawful to and for the ſaid Governor, or in his abſence the Deputy-Governor and major part of the ſaid Aſſiſtants for the time being, at any time, when the ſaid General Aſſembly is not ſitting, to nominate, appoint, and conſtitute ſuch and ſo many Commanders, Governors, and Military Officers, as to them ſhall ſeem requiſite, for the leading, conducting, and training up the inhabitants of the ſaid Plantations in martial affairs, and for the defence and ſafeguard of the ſaid Plantations; and that it ſhall and may be lawful to and for all and every ſuch Commander, Governor, and Military Officer, that ſhall be ſo as aforeſaid, or by the Governor, or in his abſence the Deputy-Governor and ſix of the Aſſiſtants, and major part of the freemen of the ſaid Company preſent at any General Aſſemblies, nominated, appointed, and conſtituted, according to the tenor of his and their reſpective commiſſions and directions, to aſſemble, exerciſe in arms, marſhal, array, and put in warlike poſture, the inhabitants of the ſaid colony, for their eſpecial

cial defence and ſafety; and to lead and conduct the ſaid inhabitants, and to encounter, repulſe, and reſiſt by force of arms, as well by ſea as by land, to kill, ſlay, and deſtroy, by all fitting ways, enterprizes, and means whatſoever, all and every ſuch perſon or perſons as ſhall at any time hereafter attempt or enterpriſe the deſtruction, invaſion, detriment, or annoyance of the ſaid inhabitants or Plantations; and to uſe and exerciſe the law martial in ſuch caſes only as occaſion ſhall neceſſarily require; and to take and ſurpriſe, by all ways and means whatſoever, all and every ſuch perſon and perſons, with their ſhip or ſhips, armour, ammunition, or other goods of ſuch perſons as ſhall in hoſtile manner invade or attempt the defeating of the ſaid Plantation, or the hurt of the ſaid Company and inhabitants; and upon juſt cauſes to invade and deſtroy the natives, Indians, or other enemies of the ſaid colony. Nevertheleſs, our will and pleaſure is, and we do hereby declare to the reſt of our Colonies in New-England, that it ſhall not be lawful for this our ſaid Colony of Rhode-Iſland and Providence Plantations, in America, in New-England,

gland, to invade the natives inhabiting within the bounds and limits of their ſaid Colonies, without the knowledge and conſent of the ſaid other Colonies. And it is hereby declared, that it ſhall not be lawful to or for the reſt of the Colonies to invade or moleſt the native Indians, or any other inhabitants, inhabiting within the bounds or limits hereafter mentioned (they having ſubjected themſelves unto us, and being by us taken into our ſpecial protection), without the knowledge and conſent of the Governor and Company of our Colony of Rhode-Iſland and Providence Plantation. Alſo our will and pleaſure is, and we do hereby declare unto all Chriſtian Kings, Princes, and States, that if any perſon, which ſhall hereafter be of the ſaid Company or Plantation, or any other by appointment of the ſaid Governor and Company for the time being, ſhall at any time or times hereafter rob or ſpoil, by ſea or land, or do any hurt, or unlawful hoſtility, to any of the ſubjects of us, our heirs and ſucceſſors, or to any of the ſubjects of any Prince or State being then in league with us, our heirs and ſucceſſors; upon complaint

plaint of ſuch injury done to any ſuch Prince or State, or their ſubjects, we, our heirs and ſucceſſors, will make open proclamation, within any parts of our realm of England fit for that purpoſe, that the perſon or perſons committing any ſuch robbery or ſpoil ſhall within the time limited by ſuch proclamation, make full reſtitution or ſatisfaction of all ſuch injuries done or committed, ſo as the ſaid Prince, or others ſo complaining, may be fully ſatisfied and contented; and if the ſaid perſon or perſons who ſhall commit any ſuch robbery or ſpoil, ſhall not make ſatisfaction accordingly, within ſuch time ſo to be limited, that then we, our heirs and ſucceſſors, will put ſuch perſon or perſons out of our allegiance and protection; and that then it ſhall and may be lawful and free for all Princes, or others, to proſecute with hoſtility ſuch offenders, and every of them, their and every of their procurers, aiders, abettors, and councillors, in that behalf. Provided alſo, and our expreſs will and pleaſure is, and we do by theſe preſents, for us, our heirs and ſucceſſors, ordain and appoint, that theſe preſents ſhall not in any manner hinder any of our loving ſubjects whatſoever,

ever, from uſing and exerciſing the trade of fiſhing upon the coaſt of New-England, in America; but that they, and every or any of them, ſhall have full and free power and liberty to continue and uſe the trade of fiſhing upon the ſaid coaſt, in any of the ſeas thereunto adjoining, or any arms of the ſea, or ſalt water, rivers and creeks, where they have been accuſtomed to fiſh, and to build and ſet upon the waſte land belonging to the ſaid Colony and Plantations ſuch wharfs, ſtages, and work-houſes, as ſhall be neceſſary for the ſalting, drying, and keeping of their fiſh to be taken or gotten upon that coaſt. And further, for the encouragement of the inhabitants of our ſaid Colony of Providence Plantation to ſet upon the buſineſs of taking whales, it ſhall be lawful for them, or any of them, having ſtruck a whale, dubertus, or other great fiſh, it or them to purſue unto that coaſt, and into any bay, river, cove, creek or ſhore, belonging thereto, and it or them, upon the ſaid coaſt, or in the ſaid bay, river, cove, creek, or ſhore belonging thereto, to kill and order for the beſt advantage, without moleſtation,

they

they making no wilful waſte or ſpoil; any thing in theſe preſents contained, or any other matter or thing to the contrary notwithſtanding. And further alſo, we are graciouſly pleaſed, and do hereby declare, that if any of the inhabitants of our ſaid colony do ſet upon the planting of vineyards, (the ſoil and climate both ſeeming naturally to concur to the production of wines) or be induſtrious in the diſcovery of fiſhing-banks, in or about the ſaid colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in caſes of like nature. And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by theſe preſents, for us, our heirs and ſucceſſors, do give and grant, unto the ſaid Governor and Company of the Engliſh Colony of Rhode-Iſland and Providence Plantation, in the Narraganſet Bay, in New-England, in America, and to every inhabitant there, and to every perſon and perſons trading thither, and to every ſuch perſon or perſons as are or ſhall be free of the ſaid Colony, full power and authority, from time to time, and at all times hereafter, to take, ſhip, tranſport, and

and carry away, out of any of our realms and dominions, for and towards the plantation and defence of the ſaid Colony, ſuch and ſo many of our loving ſubjects and ſtrangers, as ſhall or will willingly accompany them in and to their ſaid Colony and Plantation, except ſuch perſon or perſons as are or ſhall be therein reſtrained by us, our heirs and ſucceſſors, or any law or ſtatute of this realm; and alſo to ſhip and tranſport all and all manner of goods, chattels, merchandize, and other things whatſoever, that are or ſhall be uſeful or neceſſary for the ſaid Plantations, and defence thereof, and uſually tranſported, and not prohibited by any law or ſtatute of this our realm; yielding and paying unto us, our heirs and ſucceſſors, ſuch the duties, cuſtoms and ſubſidies, as are or ought to be paid or payable for the ſame. And further, our will and pleaſure is, and we do, for us, our heirs and ſucceſſors, ordain, declare, and grant, unto the ſaid Governor and Company, and their ſucceſſors, that all and every the ſubjects of us, our heirs and ſucceſſors, which are already planted and ſettled within our ſaid Colony of Providence Plantation, or which ſhall hereafter go to inhabit within the ſaid Colony,

Colony, and all and every of their children which have been born there, or which ſhall happen hereafter to be born there, or on the ſea going thither or returning from thence, ſhall have and enjoy all liberties and immunities of free and natural ſubjects, within any the dominions of us, our heirs and ſucceſſors, to all intents, conſtructions, and purpoſes whatſoever, as if they and every of them were born within the realm of England. And further know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by theſe preſents, for us, our heirs and ſucceſſors, do give, grant and confirm unto the ſaid Governor and Company, and their ſucceſſors, all that part of our dominions in New-England, in America, containing the Nahantick and Nanhyganſett, alias Narraganſet Bay, and countries and parts adjacent, bounded on the weſt, or weſterly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck alias Pawcawtuck river, and ſo along the ſaid river, as the greater or middle ſtream thereof reacheth or lies up into the north country, northward unto the head thereof,

and

and from thence by a ſtrait line drawn due north, until it meet with the ſouth line of the Maſſachuſetts Colony, and on the north or northerly, by the aforeſaid ſouth or ſouther-ly line of the Maſſachuſetts Colony or Planta-tion, and extending towards the eaſt or eaſt-wardly three Engliſh miles, to the eaſt and north-eaſt of the moſt eaſtern and north-eaſtern parts of the aforeſaid Narraganſet Bay, as the ſaid Bay lieth or extendeth itſelf from the ocean on the ſouth or ſouthwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the eaſtwardly ſide or bank of the ſaid river (higher called by the name of Seacunck river) up to the Falls called Patucket Falls, being the moſt weſtwardly line of Plymouth Colony; and ſo from the ſaid Falls, in a ſtrait line due north, until it meet with the aforeſaid line of the Maſſachuſetts Colony, and bounded on the ſouth by the ocean, and in particular the lands belonging to the towns of Providence, Patux-it, Warwicke, Miſquammacock, alias Paw-catuck, and the reſt upon the main land, in the tract aforeſaid, together with Rhode-Iſland, Blocke-Iſland, and all the reſt of the

iſlands

iſlands and banks in the Narraganſet Bay, and bordering upon the coaſt of the tract aforeſaid, (Fiſher's Iſland only excepted) together with all firm lands, ſoils, grounds, havens, ports, rivers, waters, fiſhings, mines royal and all other mines, minerals, precious ſtones, quarries, woods, wood-grounds, rocks, ſlates, and all and ſingular other commodities, juriſdictions, royalties, privileges, franchiſes, pre-eminencies and hereditaments whatſoever, within the ſaid tract, bounds, lands, and iſlands aforeſaid, to them or any of them belonging, or in anywiſe appertaining. To have and to hold the ſame unto the ſaid Governor and Company, and their ſucceſſors for ever, upon truſt, for the uſe and benefit of themſelves, and their aſſociates, freemen of the ſaid Colony, their heirs and aſſigns. To be holden of us, our heirs and ſucceſſors, as of the manor of Eaſt-Greenwich in our county of Kent, in free and common ſoccage, and not *in capite*, nor by knights ſervice. Yielding and paying therefor to us, our heirs and ſucceſſors, only the fifth part of all the ore of gold and ſilver, which from time to time, and at all times hereafter, ſhall be there gotten, had or obtained, in lieu and ſatisfaction of all ſervices, duties, fines,

fines, forfeitures, made or to be made, claims or demands whatſoever, to be to us, our heirs or ſucceſſors, therefor or thereabout rendered, made or paid; any grant or clauſe, in a late grant to the Governor and Company of Connecticut Colony in America, to the contrary thereof in any wiſe notwithſtanding; the aforeſaid Pawcatuck river having been yielded after much debate, for the fixed and certain bounds between theſe our ſaid Colonies, by the Agents thereof; who have alſo agreed, that the ſaid Pawcatuck river ſhall alſo be called alias Narrogancett or Narroganſett river, and to prevent future diſputes that otherwiſe might ariſe thereby, for ever hereafter ſhall be conſtrued, deemed and taken to be the Narrogancett river, in our late grant to Connecticut Colony, mentioned as the eaſterly bounds of that Colony. And further, our will and pleaſure is, that in all matters of public controverſies, which may fall out between our Colony of Connecticut and Providence Plantation, to make their appeal therein to us, our heirs and ſucceſſors, for redreſs in ſuch caſes, within this our realm of England: and that it ſhall be lawful to and for the inhabitants of the ſaid Colony of Providence Plantation without lett or moleſtation to paſs and repaſs with freedom

dom into and through the reſt of the Engliſh Colonies upon their lawful and civil occaſions, and to converſe, and hold commerce, and trade with ſuch of the inhabitants of our other Engliſh Colonies, as ſhall be willing to admit them thereunto, they behaving themſelves peaceably among them; any act, clauſe, or ſentence, in any of the ſaid Colonies provided, or that ſhall be provided, to the contrary in any wiſe notwithſtanding. And laſtly, we do for us, our heirs and ſucceſſors, ordain and grant unto the ſaid Governor and Company, and their ſucceſſors, by theſe preſents, that theſe our letters patents ſhall be firm, good, effectual, and available, in all things in the law, to all intents, conſtructions and purpoſes whatſoever, according to our true intent and meaning herein before declared; and ſhall be conſtrued, reputed and adjudged in all caſes, moſt favourably on the behalf, and for the beſt benefit and behoof of the ſaid Governor and Company, and their ſucceſſors, although expreſs mention, *&c.* In witneſs, *&c.* witneſs, *&c.*

Per Ipſum Regem.

[Since the commencement of hoſtilities by Great Britain, the State of Rhode-Iſland and

Providence Plantations has not aſſumed a form of government different from that contained in the foregoing Charter. For in that, the King ceded to the Governor and Company, all powers, legiſlative, executive, and judicial, reſerving to himſelf, as an acknowledgement of his ſovereignty, a render of the fifth part of the gold and ſilver ore that ſhould be found within the territory. The Governor, chief magiſtrates, and legiſlators are choſen by the freemen as uſual, and all judicial and executive officers are annually elected by the Governor and Company, or Upper and Lower Houſe of Aſſembly. All proceſſes, original and judicial, formerly iſſued in the King's name, but they now iſſue in the name of the Governor and Company. The oaths of allegiance and of office are made conformable to the principles of the Revolution. The Governor, in his legiſlative capacity, cannot give a negative to any act of the two Houſes; but, in common with the other magiſtrates, has one voice only.

The State is divided into five counties, in each of which there is a Court of Common Pleas and General Seſſions of the Peace, held twice every year, for the trial of all cauſes not capital,

capital, that ariſe within their limits; from which an appeal lies to the ſuperior court of judicature, court of aſſize and general jail delivery, whoſe juriſdiction extends over the whole State, and who alſo ſit twice a-year in each county. The Conſtitution admits not of religious eſtabliſhments, any farther than depends upon the voluntary choice of individuals. All men profeſſing one Supreme Being are equally protected by the laws, and no particular ſect can claim pre-eminence.

CONNECTICUT.

ACCOUNT OF THE CONSTITUTION of CONNECTICUT.

CONNECTICUT is divided into six counties, and each county is divided into a number of towns. Each town has a right to send two Representatives to the General Court or Assembly. The General Court consists of two branches, called the Upper and Lower House. The Upper House is composed of the Governor, Deputy-Governor, and twelve Assistants or Councillors; and the Lower House of the Representatives of the several towns. This Court has the sole power to make and repeal laws, grant levies, dispose of lands belonging to the State, to particular towns and persons; to erect and stile judicatories and officers, as they shall see necessary for the good government of the people; and also to call to account any court, magistrate, or other officer,

cer, for any misdemeanor or mal-administration; and for just cause may fine, displace, or remove them, or deal otherwise, as the nature of the case shall require; and deal or act in any other matter that concerns the good of the State, except the election of Governor, Deputy-Governor, Assistants, Treasurer, and Secretary, which shall be done by the freemen at the yearly court of election, unless there be any vacancy by reason of death or otherwise, after the election, which may be filled up by the General Court. This Court has power also, for reasons satisfactory to them, to grant suspension, release, and jail delivery upon reprieve, in capital and criminal cases. The General Court has two stated sessions annually, on the second Thursdays of May and October.

The Governor, or in his absence the Deputy-Governor, may call the Assembly, on special emergencies, to meet at any other time. The Governor, Deputy-Governor, Assistants, and Secretary, are annually elected on the second Thursday in May. The Representatives are newly chosen for each stated session. The Judges and Justices are annually appointed by the General Court; the same persons are com-

monly re-appointed from time to time during their capacity to ſerve, unleſs guilty of miſbehaviour. The ſheriffs are appointed by the Governor and Council, without limitation of time, but may be ſuperſeded by the authority that appoints them. The Governor for the time being is Captain-General of the Militia; the Deputy-Governor, Lieutenant-General; the other general officers and the field-officers are appointed by the General Court, and commiſſioned by the Governor. The captains and ſubalterns are choſen by the vote of the Company and houſholders living within the limits of the Company; the perſons ſo choſen muſt be approved by the General Court, and commiſſioned by the Governor, before they have power to execute their offices. All the military officers hold their offices during the pleaſure of the Aſſembly, nor can they reſign their commiſſions without leave of the Captain-General, under penalty of doing duty in the ranks as private ſoldiers.

The mode of electing the Governor, Deputy-Governor, Aſſiſtants, Treaſurer, and Secretary, is, that the freemen in the ſeveral towns meet on the Monday next after the firſt Tueſday

day in April annually (being the day appointed by law for that purpoſe, and chooſing Repreſentatives), and give in their votes for the perſons they chooſe for ſaid offices reſpectively, with their names written on a piece of paper, which votes are received and ſealed up by a conſtable in the freemen's meeting; the votes for each of ſaid officers in a different paper, writing on the outſide the name of the town, and the office for which the votes are given in, which are ſent by the Repreſentatives to the General Court, to be held on the ſecond Thurſday of May next enſuing; at which time, after the Houſe of Repreſentatives have choſen a Speaker and Clerk, a committee is choſen of Members of both Houſes, to ſort and count the votes, and declare the names of the perſons choſen to ſaid offices. Any freeman qualified to vote for Repreſentatives, &c. may be elected to any office under Government. In chooſing Aſſiſtants twenty perſons are nominated by the votes of the freemen, given in at their meeting for chooſing Repreſentatives in September annually, and ſealed up and ſent to the General Court in October then next, which are counted by a committee of both Houſes, and the twenty perſons who have the greateſt

number of votes ſtand in nomination, out of which number twelve are to be choſen Aſſiſtants by the freemen, the next April, in manner afore deſcribed.

The qualifications requiſite to entitle a perſon to vote in election of the officers of Government are, maturity in years, quiet and peaceable behaviour, a civil converſation, and forty ſhillings freehold, or forty pounds perſonal eſtate: if the Selectmen of the town certify a perſon qualified in thoſe reſpects, he is admitted a freeman, on his taking an oath of fidelity to the State.

The names of all that are thus admitted, are inrolled in the town-clerk's office, and continue freemen during life, unleſs diſfranchiſed by a ſentence of the ſuperior court on conviction of a miſdemeanor.

The Governor, or in his abſence the Deputy-Governor, in the Upper Houſe, and the Speaker in the Lower Houſe of Aſſembly, have a caſting voice when the Members of the reſpective Houſes, including the Governor and Speaker, are equally divided in opinion on any queſtion.

There

There is in this State a ſuperior court, conſiſting of one chief Judge and four other Judges, which have authority in all criminal caſes extending to life, limb, and baniſhment, and to hear and determine all civil actions brought by appeal from the county courts, or on writs of error. This court alſo hath authority in all matters of divorce. There are two ſtated ſeſſions of the ſuperior court in each county annually.

There are alſo county courts held in the ſeveral counties, conſiſting of one Judge and four Juſtices of the Quorum, who have juriſdiction in all criminal caſes ariſing within their reſpective counties, where the puniſhment does not extend to life, limb, or baniſhment. The county courts alſo have original juriſdiction in all civil actions wherein the demand exceeds forty ſhillings.

The ſuperior and county courts try matters of fact by a jury, according to the courſe of the common law.

Juſtices of the peace have authority to hear and determine civil actions where the demand does not exceed forty ſhillings. They alſo have authority in ſome caſes of a criminal

nature,

nature, puniſhable by fine not exceeding forty ſhillings, or whipping not exceeding ten ſtripes, or ſitting in the ſtocks.

This State is alſo divided into a number of probate diſtricts, leſs than counties; in each of which is appointed a Judge for the probate of wills, granting adminiſtration on inteſtate eſtates, appointing guardians for minors, ordering diſtribution of inteſtate eſtates, &c. An appeal lies from any decree of this court to the ſuperior court.

The ſuperior, county, and probate courts appoint their reſpective clerks.

The General Court has till very lately been the only court of chancery in this State. But by a late law, the county courts determine matters of equity from five pounds to two hundred pounds value; the ſuperior court from two hundred to eight hundred pounds value; and the General Aſſembly all caſes exceeding the laſt mentioned ſum.

All attornies at law are admitted and ſworn by the county courts; there is no attorney-general, but there uſed to be one King's attorney in each county; but ſince the King has abdicated the government, they are now attornies to the Governor and Company.

NEW-

NEW-YORK.

THE CONSTITUTION OF THE STATE of NEW-YORK,

ESTABLISHED BY THE CONVENTION, AUTHORISED AND EMPOWERED FOR THAT PURPOSE, APRIL 20, 1777.

I. THIS Convention, in the name and by the authority of the good people of this State, doth ordain, determine, and declare, that no authority ſhall, on any pretence whatever, be exerciſed over the people or members of this State, but ſuch as ſhall be derived from and granted by them.

II. This Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that the ſupreme legiſlative power, within this State, ſhall be veſted in two ſeparate and diſtinct bodies of men; the one to be called, THE ASSEMBLY OF THE STATE OF NEW-YORK;

York; the other to be called, The Senate of the State of New-York; who together ſhall form the legiſlature, and meet once, at leaſt, in every year for the diſpatch of buſineſs.

III. And whereas laws inconſiſtent with the ſpirit of this Conſtitution, or with the public good, may be haſtily and unadviſedly paſſed; be it ordained, that the Governor for the time being, the Chancellor, and the Judges of the Supreme Court, or any two of them, together with the Governor, ſhall be, and hereby are, conſtituted a Council to reviſe all bills about to be paſſed into laws by the legiſlature; and for that purpoſe ſhall aſſemble themſelves, from time to time, when the legiſlature ſhall be convened; for which, nevertheleſs, they ſhall not receive any ſalary or conſideration, under any pretence whatever. And that all bills which have paſſed the Senate and Aſſembly, ſhall, before they become laws, be preſented to the ſaid Council for their reviſal and conſideration, and if upon ſuch reviſion and conſideration, it ſhould appear improper to the ſaid Council, or a majority of them, that the ſaid bill ſhould become a law of this State, that they return the ſame, together with their objections thereto in writing,

writing, to the Senate or Houſe of Aſſembly, in which-ſoever the ſame ſhall have originated, who ſhall enter the objections ſent down by the Council, at large, in their minutes, and proceed to re-conſider the ſaid bill. But if after ſuch re-conſideration, two-thirds of the ſaid Senate or Houſe of Aſſembly ſhall, notwithſtanding the ſaid objections, agree to paſs the ſame, it ſhall, together with the objections, be ſent to the other branch of the legiſlature, where it ſhall alſo be re-conſidered, and, if approved by two-thirds of the Members preſent, ſhall be a law.

And in order to prevent any unneceſſary delays, be it further ordained, that if any bill ſhall not be returned by the Council within ten days after it ſhall have been preſented, the ſame ſhall be a law, unleſs the legiſlature ſhall, by their adjournment, render a return of the ſaid bill within ten days impracticable; in which caſe the bill ſhall be returned on the firſt day of the meeting of the legiſlature, after the expiration of the ſaid ten days.

IV. That the Aſſembly ſhall conſiſt of at leaſt ſeventy Members, to be annually choſen in the ſeveral Counties, in the proportions following, viz.

For

For the City and County of New-York, *nine*.
The City and County of Albany, *ten*.
The County of Dutcheſs, *ſeven*.
The County of Weſtcheſter, *ſix*.
The County of Ulſter, *ſix*.
The County of Suffolk, *five*.
The County of Queen's, *four*.
The County of Orange, *four*.
The County of King's, *two*.
The County of Richmond, *two*.
The County of Tryon, *ſix*.
The County of Charlotte, *four*.
The County of Cumberland, *three*.
The County of Glouceſter, *two*.

V. That as ſoon after the expiration of ſeven years ſubſequent to the termination of the preſent war as may be, a *cenſus* of the electors and inhabitants in this State be taken, under the direction of the legiſlature. And if on ſuch *cenſus* it ſhall appear that the number of Repreſentatives in Aſſembly from the ſaid Counties is not juſtly proportioned to the number of Electors in the ſaid Counties reſpectively, that the legiſlature do adjuſt and apportion the ſame by that rule. And further, that once in every ſeven years after the taking of the ſaid

firſt *cenſus*, a juſt account of the Electors reſident in each county ſhall be taken; and if it ſhall thereupon appear that the number of Electors in any county ſhall have encreaſed or diminiſhed one or more ſeventieth parts of the whole number of Electors which on the ſaid firſt *cenſus* ſhall be found in this State, the number of Repreſentatives for ſuch county ſhall be encreaſed or diminiſhed accordingly, that is to ſay, one Repreſentative for every ſeventieth part as aforeſaid.

VI. And whereas an opinion hath long prevailed among divers of the good people of this State, that voting at elections by ballot, would tend more to preſerve the liberty and equal freedom of the people than voting *vivâ voce*: to the end, therefore, that a fair experiment be made, which of thoſe two methods of voting is to be preferred:

Be it ordained, that as ſoon as may be after the termination of the preſent war between the United States of America and Great Britain, an act or acts be paſſed by the legiſlature of this State, for cauſing all elections thereafter to be held in this State, for Senators and Repreſentatives in Aſſembly, to be by ballot, and directing the manner in which the ſame ſhall be con-

conducted. And whereas it is poſſible, that after all the care of the legiſlature in framing the ſaid act or acts, certain inconveniencies and miſchiefs, unforeſeen at this day, may be found to attend the ſaid mode of electing by ballot:

It is further ordained, that if after a full and fair experiment ſhall be made of voting by ballot aforeſaid, the ſame ſhall be found leſs conducive to the ſafety or intereſt of the State than the method of voting *viva voce*, it ſhall be lawful and conſtitutional for the legiſlature to aboliſh the ſame: provided two-thirds of the Members preſent in each Houſe reſpectively ſhall concur therein: And further, that, during the continuance of the preſent war, and until the legiſlature of this State ſhall provide for the election of Senators and Repreſentatives in Aſſembly by ballot, the ſaid elections ſhall be made *viva voce*.

VII. That every male inhabitant of full age, who ſhall have perſonally reſided within one of the counties of this State for ſix months immediately preceding the day of election, ſhall, at ſuch election, be intitled to vote for Repreſentatives of the ſaid county in Aſſembly, if, during the time aforeſaid, he ſhall have been a freeholder poſſeſſing a freehold of the value of twenty

twenty pounds, within the ſaid county, or have rented a tenement therein of the yearly value of forty ſhillings, and been rated and actually paid taxes to this State: Provided always, that every perſon who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thouſand ſeven hundred and ſeventy-five, and ſhall be actually and uſually reſident in the ſaid cities reſpectively, ſhall be entitled to vote for Repreſentatives in Aſſembly within his ſaid place of reſidence.

VIII. That every elector, before he is admitted to vote, ſhall, if required by the returning officer, or either of the inſpectors, take an oath, or, if of the people called Quakers, an affirmation of allegiance to the State.

IX. That the Aſſembly thus conſtituted ſhall chooſe their own Speaker, be judges of their own Members, and enjoy the ſame privileges, and proceed in doing buſineſs in like manner as the Aſſemblies of the colony of New-York of *right* formerly did; and that a majority of the ſaid Members ſhall, from time to time, conſtitute a Houſe to proceed upon buſineſs.

X. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that the Senate of the State of New-York ſhall conſiſt of twenty-four freeholders, to be choſen out of the body of the freeholders, and that they be choſen by the freeholders of this State poſſeſſed of freeholds of the value of one hundred pounds over and above all debts charged thereon.

XI. That the Members of the Senate be elected for four years, and immediately after the firſt election, they be divided by lot into four claſſes, ſix in each claſs, and numbered one, two, three and four; that the ſeats of the Members of the firſt claſs ſhall be vacated at the expiration of the firſt year, the ſecond claſs the ſecond year, and ſo on continually; to the end that the fourth part of the Senate, as nearly as poſſible, may be annually choſen.

XII. That the election of Senators ſhall be after this manner: that ſo much of this State as is now parcelled into counties, be divided into four great diſtricts; the ſouthern diſtrict to comprehend the city and county of New-York, Suffolk, Weſtcheſter, King's, Queen's, and Richmond counties; the middle diſtrict to com-

comprehend the counties of Dutcheſs, Ulſter, and Orange; the weſtern diſtrict, the city and county of Albany, and Tryon county; and the eaſtern diſtrict, the counties of Charlotte, Cumberland, and Glouceſter. That the Senators ſhall be elected by the freeholders of the ſaid diſtricts, qualified as aforeſaid, in the proportions following, to wit, in the ſouthern diſtrict nine, in the middle diſtrict ſix, in the weſtern diſtrict ſix, and in the eaſtern diſtrict three. And be it ordained, that a *cenſus* ſhall be taken as ſoon as may be, after the expiration of ſeven years from the termination of the preſent war, under the direction of the legiſlature: and if on ſuch *cenſus* it ſhall appear that the number of Senators is not juſtly proportioned to the ſeveral diſtricts, that the legiſlature adjuſt the proportion as near as may be, to the number of freeholders qualified as aforeſaid, in each diſtrict. That when the number of electors within any of the ſaid diſtricts ſhall have increaſed one twenty-fourth part of the whole number of electors, which, by the ſaid *cenſus*, ſhall be found to be in this State, an additional Senator ſhall be choſen by the electors of ſuch diſtrict. That a majority of the number of Senators to be choſen as aforeſaid ſhall be neceſſary to con-

ſtitute a Senate ſufficient to proceed upon buſineſs, and that the Senate ſhall, in like manner with the Aſſembly, be the judges of its own Members. And be it ordained, that it ſhall be in the power of the future legiſlatures of this State, for the convenience and advantage of the good people thereof, to divide the ſame into ſuch further and other counties and diſtricts, as ſhall to them appear neceſſary.

XIII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that no Member of this State ſhall be disfranchiſed, or deprived of any of the rights or privileges ſecured to the ſubjects of this State by this Conſtitution, unleſs by the law of the land or the judgment of his peers.

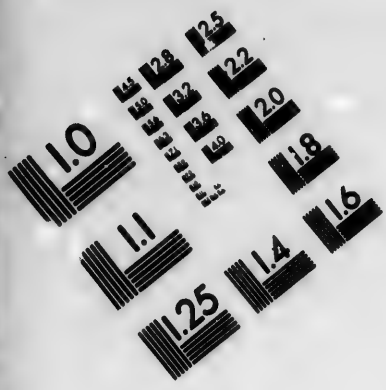
XIV. That neither the Aſſembly nor the Senate ſhall have power to adjourn themſelves for any longer time than two days, without the mutual conſent of both.

XV. That whenever the Aſſembly and Senate diſagree, a conference ſhall be held in the preſence of both, and be managed by Committees to be by them reſpectively choſen by ballot. That the doors both of the Senate and Aſſembly ſhall at all times be kept open to all perſons, except

except when the welfare of the State ſhall require their debates to be kept ſecret. And the journals of all their proceedings ſhall be kept in the manner heretofore accuſtomed by the General Aſſembly of the Colony of New York, and except ſuch parts as they ſhall, as aforeſaid, reſpectively determine not to make public, be from day to day (if the buſineſs of the legiſlature will permit) publiſhed.

XVI. It is nevertheleſs provided, that the number of Senators ſhall never exceed one hundred, nor the number of Aſſembly three hundred; but that whenever the number of Senators ſhall amount to one hundred, or of the Aſſembly to three hundred, then, and in ſuch caſe, the legiſlature ſhall from time to time thereafter, by laws for that purpoſe, apportion and diſtribute the ſaid one hundred Senators, and three hundred Repreſentatives, among the great diſtricts and counties of this State, in proportion to the number of their reſpective electors; ſo that the Repreſentation of the good people of this State, both in the Senate and Aſſembly, ſhall for ever remain proportionate and adequate.

XVII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and de-



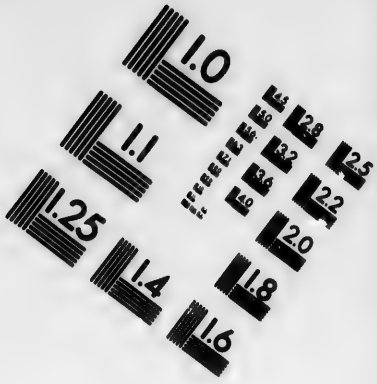
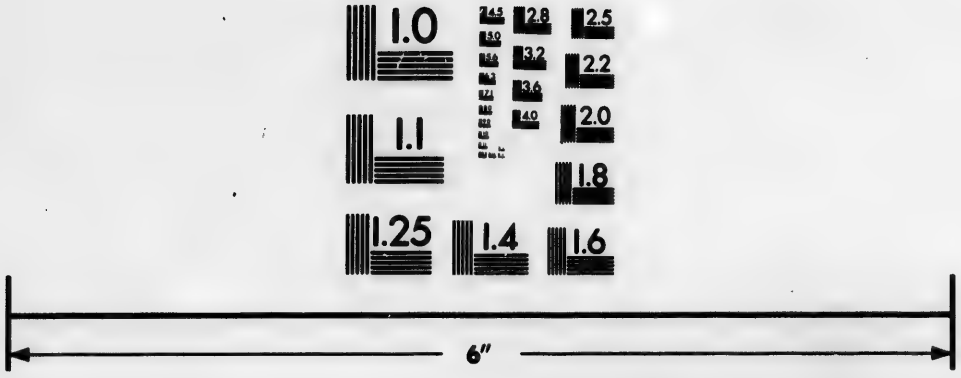
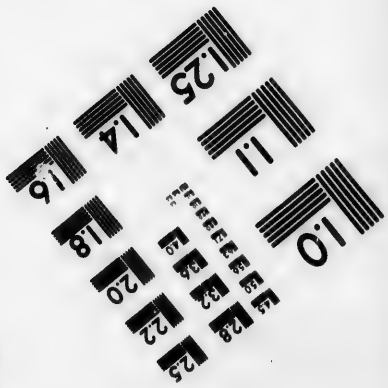


IMAGE EVALUATION
TEST TARGET (MT-3)





Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

clare, that the ſupreme executive power and authority of this State ſhall be veſted in a Governor; and that ſtatedly once in every three years, and as often as the ſeat of government ſhall become vacant, a wiſe and diſcreet freeholder of this State ſhall be by ballot elected Governor by the freeholders of this State qualified as before deſcribed to elect Senators; which elections ſhall be always held at the times and places of chooſing Repreſentatives in Aſſembly for each reſpective county; and that the perſon who hath the greateſt number of votes within the ſaid State, ſhall be Governor thereof.

XVIII. That the Governor ſhall continue in office three years; and ſhall, by virtue of his office, be General and Commander in Chief of all the Militia, and Admiral of the Navy of this State; that he ſhall have power to convene the Aſſembly and Senate on extraordinary occaſions, to prorogue them from time to time, provided ſuch prorogations ſhall not exceed ſixty days in the ſpace of any one year; and at his diſcretion to grant reprieves and pardons to perſons convicted of crimes, other than treaſon or murder, in which he may ſuſpend the execution of the ſentence, until it ſhall be reported to the legiſlature at their ſubſequent

ſequent meeting; and they ſhall either pardon or direct the execution of the criminal, or grant a farther reprieve.

XIX. That it ſhall be the duty of the Governor to inform the legiſlature, at every ſeſſions, of the condition of the State, ſo far as may reſpect his department; to recommend ſuch matters to their conſideration as ſhall appear to him to concern its good government, welfare and proſperity; to correſpond with the Continental Congreſs, and other States; to tranſact all neceſſary buſineſs with the officers of Government, civil and military; to take care that the laws are faithfully executed to the beſt of his ability; and to expedite all ſuch meaſures as may be reſolved upon by the legiſlature.

XX. That a Lieutenant-Governor ſhall, at every election of a Governor, and as often as the Lieutenant-Governor ſhall die, reſign, or be removed from office, be elected in the ſame manner with the Governor, to continue in office until the next election of a Governor; and ſuch Lieutenant-Governor ſhall, by virtue of his office, be Preſident of the Senate, and, upon an equal diviſion, have a caſting voice in

their decisions, but not vote on any other occasion.

And in case of the impeachment of the Governor, or his removal from office, death, resignation, or absence from the State, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor, until another be chosen, or the Governor absent or impeached shall return or be acquitted. Provided, that where the Governor shall, with the consent of the legislature, be out of the State, in time of war, at the head of a military force thereof, he shall still continue in his command of all the military force of the State, both by sea and land.

XXI. That whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senators shall have power to elect one of their own members to the office of President of the Senate, which he shall exercise *pro hac vice*. And if, during such vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or be absent from the State, the President of the Senate shall in like manner as the

the Lieutenant-Governor, adminiſter the government, until others ſhall be elected by the ſuffrage of the people, at the ſucceeding election.

XXII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that the Treaſurer of this State ſhall be appointed by act of the legiſlature, to originate with the Aſſembly: Provided, that he ſhall not be elected out of either branch of the legiſlature.

XXIII. That all officers, other than thoſe who by this Conſtitution are directed to be otherwiſe appointed, ſhall be appointed in the manner following, to wit, The Aſſembly ſhall once in every year, openly nominate and appoint one of the Senators from each great diſtrict, which Senators ſhall form a Council for the appointment of the ſaid officers, of which the Governor for the time being, or the Lieutenant-Governor, or the Preſident of the Senate, when they ſhall reſpectively adminiſter the government, ſhall be Preſident, and have a caſting voice, *but no other vote*; and with the advice and conſent of the ſaid Council, ſhall appoint all

all the ſaid officers; and that a majority of the ſaid Council be a Quorum. And further, the ſaid Senators ſhall not be eligible to the ſaid Council for two years ſucceſſively.

XXIV. That all military officers be appointed during pleaſure; that all commiſſioned officers, civil and military, be commiſſioned by the Governor; and that the Chancellor, the Judges of the Supreme Court, and firſt Judge of the county court in every county, hold their offices during good behaviour, or until they ſhall have reſpectively attained the age of ſixty years.

XXV. That the Chancellor and Judges of the Supreme Court ſhall not at the ſame time hold any other office, excepting that of Delegate to the General Congreſs, upon ſpecial occaſions; and that the firſt Judges of the county courts in the ſeveral counties, ſhall not at the ſame time hold any other office, excepting that of Senator, or Delegate to the General Congreſs. But if the Chancellor or either of the ſaid Judges be elected or appointed to any other office, excepting as is before excepted, it ſhall be at his option in which to ſerve.

XXVI. That Sheriffs and Coroners be annually appointed; and that no perſon ſhall be capable of holding either of the ſaid offices more

more than four years ſucceſſively, nor the Sheriff of holding any other office at the ſame time.

XXVII. And be it further ordained, that the Regiſter and Clerks in Chancery be appointed by the Chancellor; the Clerks of the Supreme Court by the Judges of the ſaid court; the Clerk of the Court of Probates by the Judge of the ſaid court; and the Regiſter and Marſhal of the Court of Admiralty by the Judge of the Admiralty; the ſaid Marſhal, Regiſters and Clerks to continue in office during the pleaſure of thoſe by whom they are to be appointed as aforeſaid.

And that all Attorneys, Solicitors and Counſellors at law, hereafter to be appointed, be appointed by the court, and licenſed by the firſt Judge of the court in which they ſhall reſpectively plead or practiſe; and be regulated by the rules and orders of the ſaid courts.

XXVIII. And be it further ordained, that where by this Convention the duration of any office ſhall not be aſcertained, ſuch office ſhall be conſtrued to be held during the pleaſure of the Council of appointment: Provided, that new commiſſions ſhall be iſſued to Judges of the county courts (other than to the firſt Judge)

and

and to Juſtices of the Peace, once at the leaſt in every three years.

XXIX. That Town-clerks, Superviſors, Aſſeſſors, Conſtables, and Collectors, and all other officers heretofore eligible by the people, ſhall always continue to be ſo eligible, in the manner directed by the preſent or future acts of legiſlature.

That Loan Officers, County Treaſurers, and Clerks of the Superviſors, continue to be appointed in the manner directed by the preſent or future acts of the legiſlature.

XXX. That Delegates to repreſent this State in the General Congreſs of the United States of America, be annually appointed as follows, to wit, The Senate and Aſſembly ſhall each openly nominate as many perſons as ſhall be equal to the whole number of Delegates to be appointed; after which nomination they ſhall meet together, and thoſe perſons named in both liſts ſhall be Delegates; and out of thoſe perſons whoſe names are not in both liſts, one half ſhall be choſen by the joint ballot of the Senators and Members of Aſſembly, ſo met together as aforeſaid.

XXXI. That the ſtyle of all laws ſhall be as follows, to wit, "Be it enacted by the People of

of the State of New-York, repreſented in Senate and Aſſembly." And that all writs and other proceedings ſhall run in the name of "the People of the State of New-York," and be teſted in the name of the Chancellor or Chief Judge of the court from whence they ſhall iſſue.

XXXII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that a court ſhall be inſtituted for the trial of impeachments, and the correction of errors, under the regulations which ſhall be eſtabliſhed by the legiſlature; and to conſiſt of the Preſident of the Senate for the time being, and the Senators, Chancellor, and Judges of the Supreme Court, or the major part of them; except, that when an impeachment ſhall be proſecuted againſt the Chancellor, or either of the Judges of the Supreme Court, the perſon ſo impeached ſhall be ſuſpended from exerciſing his office until his acquittal: and in like manner, when an appeal from a decree in equity ſhall be heard, the Chancellor ſhall inform the court of the reaſons of his decree, but ſhall not have a voice in the final ſentence. And if the cauſe to be determined ſhall be brought up

up by writ of error on a queſtion of law, on a judgment in the Supreme Court, the Judges of that court ſhall aſſign the reaſons of ſuch their judgment, but ſhall not have a voice for its affirmance or reverſal.

XXXIII. That the power of impeaching all officers of the State, for mal and corrupt conduct in their reſpective offices, be veſted in the Repreſentatives of the People in Aſſembly; but that it ſhall always be neceſſary that two-third parts of the Members preſent ſhall conſent to and agree in ſuch impeachment. That previous to the trial of every impeachment, the Members of the ſaid court ſhall reſpectively be ſworn, truly and impartially to try and determine the charge in queſtion, according to evidence; and that no judgment of the ſaid court ſhall be valid, unleſs it be aſſented to by two-third parts of the Members then preſent; nor ſhall it extend farther than to removal from office, and diſqualification to hold and enjoy any place of honour, truſt or profit under this State. But the party ſo convicted, ſhall be, nevertheleſs, liable and ſubject to indictment, trial, judgment and puniſhment, according to the laws of the land.

XXXIV. And

XXXIV. And it is further ordained, that in every trial on impeachment or indictment for crimes or misdemeanors, the party impeached or indicted shall be allowed counsel, as in civil actions.

XXXV. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that such parts of the common law of England, and of the statute law of England and Great-Britain, and of the acts of the legislature of the Colony of New-York, as together did form the law of the said Colony on the 19th day of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this State; subject to such alterations and provisions, as the legislature of this State shall from time to time make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their Ministers, or concern the allegiance heretofore yielded

ed to, and the ſupremacy, ſovereignty, government, or prerogatives, claimed or exerciſed by the King of Great-Britain and his predeceſſors over the Colony of New-York, and its inhabitants, or are repugnant to this Conſtitution, be, and they hereby are, abrogated and rejected. And this Convention doth further ordain, that the reſolves or reſolutions of the Congreſſes of the Colony of New-York and of the Convention of the State of New-York now in force, and not repugnant to the government eſtabliſhed by this Conſtitution, ſhall be conſidered as making part of the laws of this State; ſubject, nevertheleſs, to ſuch alterations and proviſions as the legiſlature of this State may, from time to time, make concerning the ſame.

XXXVI. And be it further ordained, that all grants of land within this State, made by the King of Great-Britain, or perſons acting under his authority, after the fourteenth day of October, one thouſand ſeven hundred and ſeventy-five, ſhall be null and void: but that nothing in this Conſtitution contained, ſhall be conſtrued to affect any grants of land, within this State, made by the authority of the ſaid

ſaid King or his predeceſſors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to that day. And that none of the ſaid charters ſhall be adjudged to be void, by reaſon of any non-uſer or miſ-uſer of any of their reſpective rights or privileges, between the nineteenth day of April, in the year of our Lord one thouſand ſeven hundred and ſeventy-five, and the publication of this Conſtitution. And further, that all ſuch of the officers deſcribed in the ſaid charters reſpectively, as by the terms of the ſaid charters were to be appointed by the Governor of the Colony of New-York, with or without the advice and conſent of the Council of the ſaid King in the ſaid Colony, ſhall henceforth be appointed by the Council eſtabliſhed by this Conſtitution for the appointment of officers in this State, until otherwiſe directed by the legiſlature.

XXXVII. And whereas it is of great importance to the ſafety of this State, that peace and amity with the Indians within the ſame be at all times ſupported and maintained; and whereas the frauds too often practiſed towards the ſaid Indians, in contracts made for

their lands, have in divers inſtances been productive of dangerous diſcontents and animoſities: be it ordained, that no purchaſes or contracts for the ſale of lands made ſince the fourteenth day of October, in the year of our Lord one thouſand ſeven hundred and ſeventy-five, or which may hereafter be made with or of the ſaid Indians within the limits of this State, ſhall be binding on the ſaid Indians, or deemed valid, unleſs made under the authority, and with the conſent of the legiſlature of this State.

XXXVIII. And whereas we are required by the benevolent principles of rational liberty, not only to expel civil tyranny, but alſo to guard againſt that ſpiritual oppreſſion and intolerance wherewith the bigotry and ambition of weak and wicked Prieſts and Princes have ſcourged mankind; this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that the free exerciſe and enjoyment of religious profeſſion and worſhip, without diſcrimination or preference, ſhall forever hereafter be allowed within this State to all mankind. Provided, that the liberty of conſcience

conſcience hereby granted, ſhall not be ſo conſtrued, as to excuſe acts of licentiouſneſs, or juſtify practices inconſiſtent with the peace or ſafety of this State.

XXXIX. And whereas the Miniſters of the Goſpel are by their profeſſion dedicated to the ſervice of God and the cure of ſouls, and ought not to be diverted from the great duties of their function; therefore no Miniſter of the Goſpel, or prieſt of any denomination whatſoever, ſhall at any time hereafter, under any pretence or deſcription whatever, be eligible to, or capable of holding any civil or military office or place within this State.

XL. And whereas it is of the utmoſt importance to the ſafety of every State, that it ſhould always be in a condition of defence; and it is the duty of every man, who enjoys the protection of ſociety, to be prepared and willing to defend it; this Convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare, that the militia of this State, at all times hereafter, as well in peace as in war, ſhall be armed and diſciplined, and in readineſs for ſervice. That all ſuch of the inhabitants of

this State, being of the people called Quakers, who, from ſcruples of conſcience, may be averſe to the bearing of arms, be therefrom excuſed by the legiſlature; and do pay to the State ſuch ſums of money in lieu of their perſonal ſervice, as the ſame may, in the judgment of the legiſlature, be worth: and that a proper magazine of warlike ſtores, proportionate to the number of inhabitants, be, forever hereafter, at the expence of this State, and by acts of the legiſlature, eſtabliſhed, maintained, and continued in every county in this State.

XLI. And this Convention doth further ordain, determine, and declare, in the name and by the authority of the good people of this State, that trial by jury, in all caſes in which it hath heretofore been uſed in the colony of New-York, ſhall be eſtabliſhed, and remain inviolate forever: and that no acts of attainder ſhall be paſſed by the legiſlature of this State for crimes, other than thoſe committed before the termination of the preſent war; and that ſuch acts ſhall not work a corruption of blood. And further, that the legiſlature of this State ſhall at no time hereafter inſtitute any new court or courts, but ſuch as ſhall proceed according to the courſe of the common law.

XLII. And

XLII. And this Convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare, that it ſhall be in the diſcretion of the legiſlature to naturalize all ſuch perſons, and in ſuch manner, as they ſhall think proper; provided all ſuch of the perſons ſo to be by them naturalized, as being born in parts beyond ſea, and out of the United States of America, ſhall come to ſettle in, and become ſubjects of this State, ſhall take an oath of allegiance to this State, and abjure and renounce all allegiance and ſubjection to all and every foreign King, Prince, Potentate, and State, in all matters eccleſiaſtical as well as civil.

By order,

LEONARD GANSEVOORT,

Preſ. pro tem.

NEW-JERSEY.

CONSTITUTION OF NEW-JERSEY.

WHEREAS all the conſtitutional authority ever poſſeſſed by the Kings of Great-Britain over theſe Colonies, or their other dominions, was by compact derived from the people, and held of them for the common intereſt of the whole ſociety, allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be diſſolved by the other's being refuſed or withdrawn. And whereas George the Third, King of Great-Britain, has refuſed protection to the good people of theſe Colonies; and, by aſſenting to ſundry Acts of the Britiſh Parliament, attempted to ſubject them to the abſolute dominion of that body; and has alſo made war upon them in the moſt cruel and unnatural manner, for no other cauſe than aſſerting

ſerting their juſt rights; all civil authority under him is neceſſarily at an end, and a diſſolution of government in each Colony has conſequently taken place.

And whereas in the preſent deplorable ſituation of theſe Colonies, expoſed to the fury of a cruel and relentleſs enemy, ſome form of government is abſolutely neceſſary, not only for the preſervation of good order, but alſo the more effectually to unite the people, and enable them to exert their whole force in their own neceſſary defence; and as the honourable the Continental Congreſs, the ſupreme council of the American Colonies, has adviſed ſuch of the Colonies as have not yet gone into the meaſure, to adopt for themſelves reſpectively ſuch government as ſhall beſt conduce to their own happineſs and ſafety, and the well-being of America in general: We, the Repreſentatives of the Colony of New-Jerſey, having been elected by all the counties in the freeſt manner, and in Congreſs aſſembled, have, after mature deliberations, agreed upon a ſett of charter rights, and the form of a Conſtitution, in manner following, viz.

I. That the government of this Province

ſhall be veſted in a Governor, Legiſlative Council, and General Aſſembly.

II. That the Legiſlative Council and General Aſſembly ſhall be choſen, for the firſt time, on the ſecond Tueſday in Auguſt next; the Members whereof ſhall be the ſame in number and qualifications as is herein after mentioned; and ſhall be and remain veſted with all the powers and authority to be held by any future Legiſlative Council and Aſſembly of this Colony, until the ſecond Tueſday in October which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventy-ſeven,

III. That on the ſecond Tueſday in October yearly, and every year forever (with the privilege of adjourning from day to day, as occaſion may require) the counties ſhall ſeverally chooſe one perſon to be a Member of the Legiſlative Council of this Colony, who ſhall be and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is choſen, and worth at leaſt one thouſand pounds, proclamation money, of real and perſonal eſtate within the ſame county: that, at the ſame time, each county ſhall alſo chooſe three Members of Aſſembly; provided, that no perſon ſhall be entitled to a

ſeat

ſeat in the ſaid Aſſembly, unleſs he be and have been for one whole year next before the election, an inhabitant of the county he is to repreſent, and worth five hundred pounds, proclamation money, in real and perſonal eſtate, in the ſame county: that on the ſecond Tueſday next after the day of election, the Council and Aſſembly ſhall ſeparately meet; and that the conſent of both Houſes ſhall be neceſſary to every law; provided, that ſeven ſhall be a Quorum of the Council for doing buſineſs, and that no law ſhall paſs, unleſs there be a majority of all the Repreſentatives of each body perſonally preſent, and agreeing thereto, Provided always, that if a majority of the Repreſentatives of this Province, in Council and General Aſſembly convened, ſhall, at any time or times hereafter, judge it equitable and proper to add to or diminiſh the number or proportion of the Members of Aſſembly for any county or counties in this Colony, then, and in ſuch caſe, the ſame may, on the principles of more equal repreſentation, be lawfully done, any thing in this charter to the contrary notwithſtanding, ſo that the whole number of Repreſentatives in Aſſembly ſhall not at any time be leſs than thirty-nine.

IV. That

IV. That all inhabitants of this Colony of full age, who are worth fifty pounds, proclamation money, clear eſtate in the ſame, and have reſided within the county in which they claim a vote, for twelve months immediately preceding the election, ſhall be entitled to vote for Repreſentatives in Council and Aſſembly; and alſo for all other public officers that ſhall be elected by the people of the county at large.

V. That the Aſſembly, when met, ſhall have power to chooſe a Speaker, and other their officers; to be judges of the qualifications and elections of their own Members; ſit upon their own adjournments; prepare bills to be paſſed into laws; and to empower their Speaker to convene them, whenever any extraordinary occurrence ſhall render it neceſſary.

VI. That the Council ſhall have power to prepare bills to paſs into laws, and have other like powers as the Aſſembly, and in all reſpects to be a free and independent branch of the legiſlature of this Colony; ſave only, that they ſhall not prepare or alter any money bill, which ſhall be the privilege of the Aſſembly. That the Council ſhall from time to time

be

be convened by the Governor or Vice-Preſident, but muſt be convened at all times when the Aſſembly ſits; for which purpoſe the Speaker of the Houſe of Aſſembly ſhall always immediately after an adjournment give notice to the Governor or Vice-Preſident of the time and place to which the Houſe is adjourned.

VII. That the Council and Aſſembly jointly, at their firſt meeting after each annual election, ſhall, by a majority of votes, elect ſome fit perſon within the Colony to be Governor for one year, who ſhall be conſtant Preſident of the Council, and have a caſting vote in their proceedings, and that the Council themſelves ſhall chooſe a Vice-Preſident, who ſhall act as ſuch in the abſence of the Governor.

VIII. That the Governor, or, in his abſence, the Vice-preſident of the Council, ſhall have the ſupreme executive power, be Chancellor of the Colony, and act as Captain-general and Commander in Chief of all the militia and other military force in this Colony; and that any three or more of the Council ſhall, at all times, be a Privy-council to conſult them; and that the Governor be Ordinary, or Surrogate-general.

IX. That

IX. That the Governor and Council (seven whereof shall be a Quorum) be the Court of Appeals in the last resort in all cases of law, as heretofore; and that they possess the power of granting pardons to criminals after condemnation, in all cases of treason, felony, or other offences.

X. That Captains, and all other inferior officers of the militia, shall be chosen by the companies in the respective counties; but Field and General Officers by the Council and Assembly.

XI. That the Council and Assembly shall have power to make the great seal of this Colony, which shall be kept by the Governor, or, in his absence, by the Vice-president of the Council, to be used by them as occasion may require; and it shall be called, *The Great Seal of the Colony of New-Jersey.*

XII. That the Judges of the Supreme Court shall continue in office for seven years; the Judges of the Inferior Court of Common Pleas in the several counties, Justices of the Peace, Clerks of the Supreme Court, Clerks of the Inferior Court of Common Pleas and Quarter Sessions, the Attorney-general, and Provincial Secretary, shall continue in office for

for five years; and the Provincial Treaſurer ſhall continue in office for one year; and that they ſhall be ſeverally appointed by the Council and Aſſembly in manner aforeſaid, and commiſſioned by the Governor, or in his abſence the Vice-preſident of the Council. Provided always, that the ſaid officers ſeverally, ſhall be capable of being re-appointed at the end of the terms ſeverally before limited; and that any of the ſaid officers ſhall be liable to be diſmiſſed, when adjudged guilty of miſbehaviour, by the Council on an impeachment of the Aſſembly.

XIII. That the inhabitants of each county, qualified to vote as aforeſaid, ſhall, at the time and place of electing their Repreſentatives, annually elect one Sheriff, and one or more Coroners; and that they may re-elect the ſame perſon to ſuch offices until he ſhall have ſerved three years, but no longer; after which three years muſt elapſe before the ſame perſon is capable of being elected again. When the election is certified to the Governor or Vice-preſident, under the hands of ſix freeholders of the county for which they were elected, they

ſhall

ſhall be immediately commiſſioned to ſerve in their reſpective offices.

XIV. That the townſhips, at their annual town-meetings for electing other officers, ſhall chuſe Conſtables for the diſtricts reſpectively; and alſo three or more judicious freeholders of good character, to hear and finally determine all appeals relative to unjuſt aſſeſſments in caſes of public taxation; which Commiſſioners of Appeal ſhall, for that purpoſe, ſit at ſome ſuitable time or times to be by them appointed, and made known to the people by advertiſements.

XV. That the laws of the Colony ſhall begin in the following ſtile, viz. *Be it enacted by the Council and General Aſſembly of this Colony, and it is hereby enacted by authority of the ſame:* that all commiſſions granted by the Governor or Vice-preſident ſhall run thus—*The Colony of New-Jerſey to* A. B. &c. *greeting*; and that all writs ſhall likewiſe run in the name of the Colony: and that all indictments ſhall conclude in the following manner, viz. *Againſt the peace of this Colony, the government and dignity of the ſame.*

XVI. That

XVI. That all criminals ſhall be admitted to the ſame privileges of witneſſes and counſel, as their proſecutors are or ſhall be entitled to.

XVII. That the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall not, for that offence, be forfeited; but ſhall deſcend in the ſame manner as they would have done, had ſuch perſons died in the natural way; nor ſhall any article which may occaſion accidentally the death of any one, be henceforth deemed a deodand, or in any wiſe forfeited on account of ſuch misfortune.

XVIII. That no perſon ſhall ever within this colony be deprived of the ineſtimable privilege of worſhipping Almighty God in a manner agreeable to the dictates of his own conſcience; nor under any pretence whatever be compelled to attend any place of worſhip, contrary to his own faith and judgement; nor ſhall any perſon within this colony ever be obliged to pay tithes, taxes, or any other rates, for the purpoſe of building or repairing any other church or churches, place or places of worſhip, or for the maintenance of any Miniſter or Miniſtry, contrary to what he believes to be right; or has deliberately or voluntarily engaged himſelf to perform.

XIX. That

XIX. That there ſhall be no eſtabliſhment of any one religious ſect in this province, in preference to another; and that no proteſtant inhabitant of this colony ſhall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all perſons, profeſſing a belief in the faith of any proteſtant ſect, who ſhall demean themſelves peaceably under the government as hereby eſtabliſhed, ſhall be capable of being elected into any office of profit or truſt, or being a member of either branch of the legiſlature, and ſhall fully and freely enjoy every privilege and immunity enjoyed by others their fellow-ſubjects.

XX. That the legiſlative department of this Government may, as much as poſſible, be preſerved from all ſuſpicion of corruption, none of the Judges of the Supreme or other Courts, Sheriffs, or any other perſon or perſons poſſeſſed of any poſt of profit under the Government, other than Juſtices of the Peace, ſhall be entitled to a ſeat in the Aſſembly; but that on his being elected and taking his ſeat, his office or poſt ſhall be conſidered as vacant.

XXI. That all the laws of this province contained

tained in the edition lately publiſhed by Mr. Allinſon, ſhall be and remain in full force, until altered by the legiſlature of this colony (ſuch only excepted as are incompatible with this charter), and ſhall be, according as heretofore, regarded in all reſpects, by all civil officers, and others the good people of this province.

XXII. That the common law of England, as well as ſo much of the ſtatute law as has been heretofore practiſed in this colony, ſhall ſtill remain in force, until they ſhall be altered by a future law of the legiſlature; ſuch parts only excepted as are repugnant to the rights and privileges contained in this charter; and that the ineſtimable right of trial by jury ſhall remain confirmed, as a part of the law of this colony, without repeal for ever.

XXIII. That every perſon who ſhall be elected as aforeſaid to be a member of the Legiſlative Council or Houſe of Aſſembly, ſhall, previous to his taking his ſeat in Council or Aſſembly, take the following oath or affirmation, viz.

"I, A. B. do ſolemnly declare, that, as a member of the Legiſlative Council or Aſſembly, (as the caſe may be) of the Colony of New-

Jersey, I will not assent to any law, vote, or proceeding, which shall appear to me injurious to the public welfare of said Colony, nor that shall annul or repeal that part of the third section in the charter of this Colony, which establishes that the elections of members of the Legislative Council and Assembly shall be annual, nor that part of the twenty-second section in said charter, respecting the trial by jury, nor that shall annul, repeal, or alter any part or parts of the eighteenth or nineteenth sections of the same."

And any person, or persons, who shall be elected as aforesaid, is hereby impowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this Congress, that if a reconciliation between Great-Britain and these Colonies should take place, and the latter be taken again under the protection and government of the Crown of Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In PROVINCIAL CONGRESS, New-Jersey, Burlington, *July* 2, 1776.

By order of Congress, SAM. TUCKER, *Pres.*
Extract from the Minutes, W. PATERSON, *Sec.*

PENN-

PENNSYLVANIA.

THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA,

AS ESTABLISHED BY THE GENERAL CONVENTION, ELECTED FOR THAT PURPOSE, AND HELD AT PHILADELPHIA, JULY 15, 1776, AND CONTINUED BY ADJOURNMENTS TO SEPTEMBER 28, 1776.

WHEREAS all government ought to be inſtituted and ſupported for the ſecurity and protection of the community as ſuch, and to enable the individuals who compoſe it to enjoy their natural rights, and the other bleſſings which the Author of Exiſtence has beſtowed upon man; and whenever theſe great ends of government are not obtained, the people have a right, by common conſent, to change it, and take ſuch meaſures as to them may appear neceſſary to promote their ſafety and happineſs. And whereas the inhabitants of this Commonwealth have, in conſideration

of protection only, heretofore acknowledged allegiance to the King of Great Britain, and the ſaid King has not only withdrawn that protection, but commenced, and ſtill continues to carry on, with unabated vengeance, a moſt cruel and unjuſt war againſt them, employing therein not only the troops of Great Britain, but foreign mercenaries, ſavages, and ſlaves, for the avowed purpoſe of reducing them to a total and abject ſubmiſſion to the deſpotic domination of the Britiſh Parliament, with many other acts of tyranny, (more fully ſet forth in the Declaration of Congreſs) whereby all allegiance and fealty to the ſaid King and his ſucceſſors, are diſſolved and at an end, and all power and authority derived from him ceaſed in theſe Colonies: And whereas it is abſolutely neceſſary for the welfare and ſafety of the inhabitants of ſaid Colonies, that they be henceforth free and independent States, and that juſt, permanent, and proper forms of Government exiſt in every part of them, derived from and founded on the authority of the people only, agreeable to the directions of the Honourable American Congreſs: We, the Repreſentatives of the freemen of Pennſylvania, in General Con-

Convention, met for the expreſs purpoſe of framing ſuch a Government, confeſſing the goodneſs of the Great Governor of the Univerſe (who alone knows to what degree of earthly happineſs mankind may attain, by perfecting the arts of Government) in permitting the people of this State, by common conſent, and without violence, deliberately to form for themſelves ſuch juſt rules as they ſhall think beſt for governing their future ſociety; and being fully convinced, that it is our indiſpenſible duty to eſtabliſh ſuch original principles of government as will beſt promote the general happineſs of the people of this State, and their poſterity, and provide for future improvements, without partiality for, or prejudice againſt, any particular claſs, ſect, or denomination of men whatever, do, by virtue of the authority veſted in us by our conſtituents, ordain, declare, and eſtabliſh the following DECLARATION OF RIGHTS, and FRAME OF GOVERNMENT to be the CONSTITUTION of this Commonwealth, and to remain in force therein for ever, unaltered, except in ſuch articles as ſhall hereafter on experience be found to require improvement, and which ſhall by the ſame authority of the people, fairly dele-

gated as this Frame of Government directs, be amended or improved for the more effectual obtaining and ſecuring the great end and deſign of all government, herein before mentioned.

CHAP. I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS of the STATE of PENNSYLVANIA.

I. THAT all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongſt which are, the enjoying and defending life and liberty, acquiring, poſſeſſing, and protecting property, and purſuing and obtaining happineſs and ſafety.

II. That all men have a natural and unalienable right to worſhip Almighty God according to the dictates of their own conſciences and underſtanding: and that no man ought,

or

or of right can be compelled to attend any religious worſhip, or erect or ſupport any place of worſhip, or maintain any miniſtry, contrary to, or againſt his own free will and conſent: nor can any man who acknowledges the being of a God, be juſtly deprived or abridged of any civil right as a citizen, on account of his religious ſentiments, or peculiar mode of religious worſhip: and that no authority can or ought to be veſted in, or aſſumed by any power whatever, that ſhall in any caſe interfere with, or in any manner controul, the right of conſcience in the free exerciſe of religious worſhip.

III. That the people of this State have the ſole, excluſive, and inherent right of governing and regulating the internal police of the ſame.

IV. That all power being originally inherent in and conſequently derived from, the people; therefore all officers of government, whether legiſlative or executive, are their truſtees and ſervants, and at all times accountable to them.

V. That government is, or ought to be, inſtituted for the common benefit, protection, and ſecurity of the people, nation, or commu-

nity; and not for the particular emolument or advantage of any ſingle man, family, or ſet of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeaſible right to reform, alter, or aboliſh government in ſuch manner as ſhall be by that community judged moſt conducive to the public weal.

VI. That thoſe who are employed in the legiſlative and executive buſineſs of the State may be reſtrained from oppreſſion, the people have a right, at ſuch periods as they may think proper, to reduce their public officers to a private ſtation, and ſupply the vacancies by certain and regular elections.

VII. That all elections ought to be free; and that all free men having a ſufficient evident common intereſt with, and attachment to the community, have a right to elect officers, or be elected into office.

VIII. That every member of ſociety hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his perſonal ſervice when neceſſary, or an equivalent thereto; but no part of a man's property can be juſtly taken from him,

him, or applied to public uſes, without his conſent, or that of his legal repreſentatives; nor can any man who is conſcientiouſly ſcrupulous of bearing arms, be juſtly compelled thereto, if he will pay ſuch equivalent: nor are the people bound by any laws, but ſuch as they have in like manner aſſented to, for their common good.

IX. That in all proſecutions for criminal offences, a man hath a right to be heard by himſelf and his counſel, to demand the cauſe and nature of his accuſation, to be confronted with the witneſſes, to call for evidence in his favour, and a ſpeedy public trial, by an impartial jury of the country, without the unanimous conſent of which jury he cannot be found guilty: nor can he be compelled to give evidence againſt himſelf: nor can any man be juſtly deprived of his liberty except by the laws of the land, or the judgment of his peers.

X. That the people have a right to hold themſelves, their houſes, papers, and poſſeſſions free from ſearch or ſeizure; and therefore warrants without oaths or affirmations firſt made, affording a ſufficient foundation for them, and whereby any officer or meſſenger may be commanded or required to ſearch ſuſpected places,

or

or to ſeize any perſon or perſons, his or their property, not particularly deſcribed, are contrary to that right, and ought not to be granted.

XI. That in controverſies reſpecting property, and in ſuits between man and man, the parties have a right to trial by jury, which ought to be held ſacred.

XII. That the people have a right to freedom of ſpeech, and of writing and publiſhing their ſentiments; therefore the freedom of the preſs ought not to be reſtrained.

XIII. That the people have a right to bear arms for the defence of themſelves and the State; and as ſtanding armies in the time of peace are dangerous to liberty, they ought not to be kept up: and that the military ſhould be kept under ſtrict ſubordination to, and governed by, the civil power.

XIV. That a frequent recurrence to fundamental principles, and a firm adherence to juſtice, moderation, temperance, induſtry and frugality, are abſolutely neceſſary to preſerve the bleſſings of liberty, and keep a government free: the people ought therefore to pay particular attention to theſe points in the choice of Officers and Repreſentatives, and have a right

right to exact a due and conſtant regard to them, from their legiſlators and magiſtrates, in the making and executing ſuch laws as are neceſſary for the good government of the State.

XV. That all men have a natural inherent right to emigrate from one State to another that will receive them, or to form a new State in vacant countries, or in ſuch countries as they can purchaſe, whenever they think that thereby they may promote their own happineſs.

XVI. That the people have a right to aſſemble together, to conſult for their common good, to inſtruct their Repreſentatives, and to apply to the legiſlature for redreſs of grievances, by addreſs, petition, or remonſtrance.

CHAP. II.

PLAN OR FRAME OF GOVERNMENT.

I. THE Commonwealth or State of Pennſylvania ſhall be governed hereafter by an

Aſſembly

Assembly of the Representatives of the freemen of the same, and a President and Council, in manner and form following:

II. The supreme legislative power shall be vested in a House of Representatives of the freemen of the Commonwealth or State of Pennsylvania.

III. The supreme executive power shall be vested in a President and Council.

IV. Courts of justice shall be established in the city of Philadelphia, and in every county of this State.

V. The freemen of this Commonwealth and their sons shall be trained and armed for its defence, under such regulations, restrictions, and exceptions as the General Assembly shall by law direct, preserving always to the people the right of chooſing their Colonel, and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

VI. Every freeman of the full age of twenty-one years, having resided in this State for the space of one whole year next before the day of election for Representatives, and paid public taxes during that time, shall enjoy the right

of

of an elector: provided always, that ſons of freeholders of the age of twenty-one years ſhall be intitled to vote, although they have not paid taxes.

VII. The Houſe of Repreſentatives of the freemen of this Commonwealth ſhall conſiſt of perſons moſt noted for wiſdom and virtue, to be choſen by the freemen of every city and county of this Commonwealth reſpectively. And no perſon ſhall be elected unleſs he has reſided in the city or county for which he ſhall be choſen, two years immediately before the ſaid election; nor ſhall any Member, while he continues ſuch, hold any other office, except in the militia.

VIII. No perſon ſhall be capable of being elected a Member to ſerve in the Houſe of Repreſentatives of the freemen of this Commonwealth more than four years in ſeven.

IX. The Members of the Houſe of Repreſentatives ſhall be choſen annually by ballot, by the freemen of the Commonwealth, on the ſecond Tueſday in October for ever, (except this preſent year) and ſhall meet on the fourth Monday of the ſame month, and ſhall beſtiled, THE GENERAL ASSEMBLY OF REPRESENTATIVES OF THE FREEMEN OF PENNSYLVANIA, and ſhall have

have power to chuſe their Speaker, the Treaſurer of the State, and their other officers; ſit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own Members: they may expel a Member, but not a ſecond time for the ſame cauſe; they may adminiſter oaths or affirmations on examination of witneſſes; redreſs grievances; impeach ſtate criminals; grant charters of incorporation; conſtitute towns, boroughs, cities and counties; and ſhall have all other powers neceſſary for the legiſlature of a free State or Commonwealth: but they ſhall have no power to add to, alter, aboliſh, or infringe any part of this Conſtitution.

X. A Quorum of the Houſe of Repreſentatives ſhall conſiſt of two-thirds of the whole number of Members elected; and having met and choſen their Speaker, ſhall each of them, before they proceed to buſineſs, take and ſubſcribe, as well the oath or affirmation of fidelity and allegiance herein after directed, as the following oath or affirmation, viz.

"I do ſwear (or affirm), that as a Member of this Aſſembly, I will not propoſe or aſſent to any bill, vote, or reſolution, which ſhall

ſhall appear to me injurious to the people; nor do or conſent to any act or thing whatever, that ſhall have a tendency to leſſen or abridge their rights and privileges, as declared in the Conſtitution of this State; but will in all things conduct myſelf as a faithful honeſt Representative and guardian of the people, according to the beſt of my judgement and abilities."

And each Member before he takes his ſeat, ſhall make and ſubſcribe the following declaration, viz.

"I do believe in one God, the Creator and Governor of the Univerſe, the rewarder of the good, and the puniſher of the wicked. And I do acknowledge the ſcriptures of the Old and New Teſtament to be given by divine inſpiration."

And no further or other religious teſt ſhall ever hereafter be required of any civil officer or magiſtrate in this State.

XI. Delegates to repreſent this State in Congreſs ſhall be choſen by ballot by the future General Aſſembly at their firſt meeting, and annually forever afterwards, as long as ſuch repreſentation ſhall be neceſſary. Any Delegate may

may be superseded at any time, by the General Assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re-election for three years afterwards: and no person who holds any office in the gift of the Congress, shall hereafter be elected to represent this Commonwealth in Congress.

XII. If any city or cities, county or counties, shall neglect or refuse to elect and send Representatives to the General Assembly, two-thirds of the Members from the cities or counties that do elect and send Representatives, provided they may be a majority of the cities and counties of the whole State, when met shall have all the powers of the General Assembly, as fully and amply as if the whole were present.

XIII. The doors of the House in which the Representatives of the freemen of this State shall sit in General Assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this State may require the doors to be shut.

XIV. The votes and proceedings of the General Assembly shall be printed weekly during

ring their ſitting, with the yeas and nays on any queſtion, vote, or reſolution, where any two Members require it, except when the vote is taken by ballot; and when the yeas and nays are ſo taken, every Member ſhall have a right to inſert the reaſons of his vote upon the minutes, if he deſire it.

XV. To the end that laws before they are enacted may be more maturely conſidered, and the inconvenience of haſty determinations as much as poſſible prevented, all bills of a public nature ſhall be printed for the conſideration of the people, before they are read in General Aſſembly the laſt time for debate and amendment; and, except on occaſions of ſudden neceſſity, ſhall not be paſſed into laws until the next ſeſſion of Aſſembly; and for the more perfect ſatisfaction of the public, the reaſons and motives for making ſuch laws ſhall be fully and clearly expreſſed in the preambles.

XVI. The ſtile of the laws of this Commonwealth ſhall be, "Be it enacted, and it is hereby enacted by the Repreſentatives of the freemen of the Commonwealth of Pennſylvania, in General Aſſembly met, and by the authority of the ſame." And the General Aſſembly ſhall affix

their ſeal to every bill, as ſoon as it is enacted into a law, which ſeal ſhall be kept by the Aſſembly, and ſhall be called, *The Seal of the Laws of Pennſylvania*, and ſhall not be uſed for any other purpoſe.

XVII. The city of Philadelphia, and each county in this Commonwealth reſpectively, ſhall on the firſt Tueſday of November in this preſent year, and on the ſecond Tueſday in October annually, for the two next ſucceeding years, to wit, the year one thouſand ſeven hundred and ſeventy-ſeven, and the year one thouſand ſeven hundred and ſeventy-eight, chuſe ſix perſons to repreſent them in General Aſſembly. But as repreſentation in proportion to the number of taxable inhabitants, is the only principle which can at all times ſecure liberty, and make the voice of a majority of the people the law of the land; therefore the General Aſſembly ſhall cauſe compleat liſts of the taxable inhabitants in the city and each county in the Commonwealth reſpectively, to be taken, and returned to them, on or before the laſt meeting of the Aſſembly elected in the year one thouſand ſeven hundred and ſeventy-eight, who ſhall appoint a Repreſentation to each, in proportion to the

the number of taxables in ſuch returns; which Repreſentation ſhall continue for the next ſeven years afterwards, at the end of which a new return of the taxable inhabitants ſhall be made, and a Repreſentation agreeable thereto appointed by the ſaid Aſſembly, and ſo on ſeptennially for ever. The wages of the Repreſentatives in General Aſſembly, and all other State charges, ſhall be paid out of the State Treaſury.

XVIII. In order that the freemen of this Commonwealth may enjoy the benefit of election as equally as may be, until the Repreſentation ſhall commence, as directed in the foregoing ſection, each county at its own choice may be divided into diſtricts, hold elections therein, and elect their Repreſentatives in the county, and their other elective officers, as ſhall be hereafter regulated by the General Aſſembly of this State. And no inhabitant of this State ſhall have more than one annual vote at the general election for Repreſentatives in Aſſembly.

XIX. For the preſent, the Supreme Executive Council of this State ſhall conſiſt of twelve perſons, choſen in the following manner: The freemen of the city of Philadelphia, and of the counties of Philadelphia, Cheſter, and Bucks, reſpectively, ſhall chuſe by ballot one perſon

for the city, and one for each county aforesaid, to serve for three years and no longer, at the time and place for electing Representatives in General Assembly. The freemen of the counties of Lancaster, York, Cumberland, and Berks, shall, in like manner, elect one person for each county respectively, to serve as Councillors for two years, and no longer. And the counties of Northampton, Bedford, Northumberland, and Westmoreland, respectively, shall in like manner elect one person for each county, to serve as Councillors for one year, and no longer. And at the expiration of the time for which each Councillor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties in this State, respectively, shall elect one person to serve as Councillor for three years and no longer; and so on every third year for ever. By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the Council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented. All vacancies in the Council

Council that may happen by death, reſignation, or otherwiſe, ſhall be filled at the next general election for Repreſentatives in General Aſſembly, unleſs a particular election for that purpoſe ſhall be ſooner appointed by the Preſident and Council. No Member of the General Aſſembly, or Delegate in Congreſs, ſhall be choſen a Member of the Council. The Preſident and Vice-Preſident ſhall be choſen annually, by the joint ballot of the General Aſſembly and Council, of the Members of the Council. Any perſon having ſerved as a Councillor for three ſucceſſive years, ſhall be incapable of holding that office for four years afterwards. Every Member of the Council ſhall be a Juſtice of the Peace for the whole Commonwealth, by virtue of his office.

In caſe new additional counties ſhall hereafter be erected in this State, ſuch county or counties ſhall elect a Councillor, and ſuch county or counties ſhall be annexed to the next neighbouring counties, and ſhall take rotation with ſuch counties.

The Council ſhall meet annually, at the ſame time and place with the General Aſſembly.

The Treaſurer of the State, Truſtees of the

Loan Office, Naval Officers, Collectors of Cuſtoms or Exciſe, Judge of the Admiralty, Attornies-General, Sheriffs, and Prothonotaries, ſhall not be capable of a ſeat in the General Aſſembly, Executive Council, or Continental Congreſs.

XX. The Preſident, and in his abſence the Vice-Preſident with the Council, five of whom ſhall be a Quorum, ſhall have power to appoint and commiſſionate Judges, Naval Officers, Judge of the Admiralty, Attorney-General, and all other officers civil and military, except ſuch as are choſen by the General Aſſembly, or the people, agreeable to this Frame of Government, and the laws that may be made hereafter; and ſhall ſupply every vacancy in any office, occaſioned by death, reſignation, removal, or diſqualification, until the office can be filled in the time and manner directed by a law or this Conſtitution. They are to correſpond with other States, and tranſact buſineſs with the Officers of Government, civil and military; and to prepare ſuch buſineſs as may appear to them neceſſary to lay before the General Aſſembly. They ſhall ſit as Judges to hear and determine on impeachments, taking to their aſ-

ſiſtance,

ſiſtance, for advice only, the Juſtices of the Supreme Court: and ſhall have power to grant pardons, and remit fines, in all caſes whatſoever, except in caſes of impeachment; and in caſes of treaſon and murder, ſhall have power to grant reprieves, but not to pardon, until the end of the next ſeſſions of Aſſembly: but there ſhall be no remiſſion or mitigation of puniſhments on impeachments, except by act of the legiſlature. They are alſo to take care that the laws be faithfully executed; they are to expedite the execution of ſuch meaſures as may be reſolved upon by the General Aſſembly; and they may draw upon the Treaſury for ſuch ſums as ſhall be appropriated by the Houſe: they may alſo lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the receſs of the Houſe only: they may grant ſuch licences as ſhall be directed by law; and ſhall have power to call together the General Aſſembly, when neceſſary, before the day to which they ſhall ſtand adjourned. The Preſident ſhall be Commander in Chief of the forces of the State, but ſhall not command in perſon, except adviſed thereto by the Council, and then only ſo long as they ſhall approve thereof. The Preſident and

Council ſhall have a Secretary, and keep fair books of their proceedings, wherein any Councillor may enter his diſſent, with his reaſons in ſupport of it.

XXI. All commiſſions ſhall be in the name and by the authority of the Freemen of the Commonwealth of Pennſylvania, ſealed with the State-ſeal, ſigned by the Preſident or Vice-Preſident, and atteſted by the Secretary, which ſeal ſhall be kept by the Council.

XXII. Every Officer of State, whether judicial or executive, ſhall be liable to be impeached by the General Aſſembly, either when in office, or after his reſignation, or removal for mal-adminiſtration. All impeachments ſhall be before the Preſident or Vice-Preſident and Council, who ſhall hear and determine the ſame.

XXIII. The Judges of the Supreme Court of Judicature ſhall have fixed ſalaries; be commiſſioned for ſeven years only, though capable of re-appointment at the end of that term, but removable for miſbehaviour at any time by the General Aſſembly: they ſhall not be allowed to ſit as Members in the Continental Congreſs, Executive Council, or General Aſſembly, nor to hold any other office, civil or mili-

tary;

tary; nor to take or receive fees or perquiſites of any kind.

XXIV. The Supreme Court, and the ſeveral Courts of Common Pleas of this Commonwealth, ſhall, beſides the powers uſually exerciſed by ſuch Courts, have the powers of a Court of Chancery, ſo far as relates to the perpetuating teſtimony, obtaining evidence from places not within this State, and the care of the perſons and eſtates of thoſe who are *non compotes mentis*, and ſuch other powers as may be found neceſſary by future General Aſſemblies, not inconſiſtent with this Conſtitution.

XXV. Trials ſhall be by jury as heretofore: and it is recommended to the legiſlature of this State, to provide by law againſt every corruption or partiality in the choice, return, or appointment of juries.

XXVI. Courts of Seſſions, Common Pleas, and Orphans Courts ſhall be held quarterly in each city and county; and the legiſlature ſhall have power to eſtabliſh all ſuch other Courts as they may judge for the good of the inhabitants of the State. All Courts ſhall be open, and juſtice ſhall be impartially adminiſtered, without corruption or unneceſſary delay. All their officers

officers ſhall be paid an adequate but moderate compenſation for their ſervices; and if any officer ſhall take greater or other fees than the laws allow him, either directly or indirectly, it ſhall ever after diſqualify him from holding any office in this State.

XXVII. All proſecutions ſhall commence in the name and by the authority of the freemen of the Commonwealth of Pennſylvania; and all indictments ſhall conclude with theſe words, *Againſt the peace and dignity of the ſame.* The ſtyle of all proceſs hereafter in this State ſhall be, THE COMMONWEALTH OF PENNSYLVANIA.

XXVIII. The perſon of a debtor, where there is not a ſtrong preſumption of fraud, ſhall not be continued in priſon, after delivering up, *bonâ fide*, all his eſtate real and perſonal, for the uſe of his creditors, in ſuch manner as ſhall be hereafter regulated by law. All priſoners ſhall be bailable by ſufficient ſureties, unleſs for capital offences, when the proof is evident, or preſumption great.

XXIX. Exceſſive bail ſhall not be exacted for bailable offences: and all fines ſhall be moderate.

XXX. Juſtices of the Peace ſhall be elected by

by the freeholders of each city and county reſpectively, that is to ſay, two or more perſons may be choſen for each ward, townſhip, or diſtrict, as the law ſhall hereafter direct: and their names ſhall be returned to the Preſident in Council, who ſhall commiſſionate one or more of them for each ward, townſhip, or diſtrict ſo returning, for ſeven years, removable for miſconduct by the General Aſſembly. But if any city or county, ward, townſhip, or diſtrict in this Commonwealth, ſhall hereafter incline to change the manner of appointing their Juſtices of the Peace, as ſettled in this article, the General Aſſembly may make laws to regulate the ſame, agreeable to the deſire of a majority of the freeholders of the city or county, ward, townſhip, or diſtrict ſo applying. No Juſtice of the Peace ſhall ſit in the General Aſſembly, unleſs he firſt reſign his commiſſion; nor ſhall he be allowed to take any fees, nor any ſalary or allowance, except ſuch as the future legiſlature may grant.

XXXI. Sheriffs and Coroners ſhall be elected annually in each city and county by the freemen; that is to ſay, two perſons for each office, one of whom for each, is to be commiſ-

ſioned

ſioned by the Preſident in Council. No perſon ſhall continue in the office of Sheriff more than three ſucceſſive years, or be capable of being again elected during four years afterwards. The election ſhall be held at the ſame time and place appointed for the election of Repreſentatives: and the Commiſſioners and Aſſeſſors, and other officers choſen by the people, ſhall alſo be then and there elected, as has been uſual heretofore, until altered or otherwiſe regulated by the future legiſlature of this State.

XXXII. All elections, whether by the people or in General Aſſembly, ſhall be by ballot, free and voluntary: and any elector who ſhall receive any gift or reward for his vote, in meat, drink, monies, or otherwiſe, ſhall forfeit his right to elect for that time, and ſuffer ſuch other penalty as future laws ſhall direct. And any perſon who ſhall directly or indirectly give, promiſe, or beſtow any ſuch rewards to be elected, ſhall be thereby rendered incapable to ſerve for the enſuing year.

XXXIII. All fees, licence money, fines, and forfeitures heretofore granted or paid to the Governor, or his deputies, for the ſupport of Government, ſhall hereafter be paid in to the

public treasury, unless altered or abolished by the future legislature.

XXXIV. A Register's office for the probate of wills, and granting letters of administration, and an office for the recording of deeds, shall be kept in each city and county: the officers to be appointed by the General Assembly, removeable at their pleasure, and to be commissioned by the President in Council.

XXXV. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

XXXVI. As every freeman, to preserve his independence (if without a sufficient estate), ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit; the usual effects of which are dependence and servility, unbecoming freemen, in the possessors and expectants; faction, contention, corruption, and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation: and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many

many to apply for it, the profits ought to be leſſened by the legiſlature.

XXXVII. The future legiſlature of this State ſhall regulate entails in ſuch a manner as to prevent perpetuities.

XXXVIII. The penal laws as heretofore uſed, ſhall be reformed by the legiſlature of this State as ſoon as may be, and puniſhments made in ſome caſes leſs ſanguinary, and in general more proportionate to the crimes.

XXXIX. To deter more effectually from the commiſſion of crimes, by continual viſible puniſhment of long duration, and to make ſanguinary puniſhments leſs neceſſary, houſes ought to be provided for puniſhing by hard labour, thoſe who ſhall be convicted of crimes not capital; wherein the criminals ſhall be employed for the benefit of the public, or for reparation of injuries done to private perſons: and all perſons at proper times ſhall be admitted to ſee the priſoners at their labour.

XL. Every officer, whether judicial, executive, or military, in authority under this Commonwealth, ſhall take the following oath or affirmation of allegiance, and general oath of office, before he enter on the execution of his office:

The

The oath or affirmation of allegiance: "I do ſwear (or affirm), that I will be true and faithful to the Commonwealth of Pennſylvania: and that I will not directly or indirectly do any act or thing prejudicial or injurious to the Conſtitution or Government thereof, as eſtabliſhed by the Convention."

The oath or affirmation of office: "I do ſwear (or affirm), that I will faithfully execute the office of for the of and will do equal right and juſtice to all men, to the beſt of my judgement and abilities, according to law."

XLI. No public tax, cuſtom, or contribution ſhall be impoſed upon, or paid by the people of this State, except by a law for that purpoſe: and before any law be made for raiſing it, the purpoſe for which any tax is to be raiſed ought to appear clearly to the legiſlature to be of more ſervice to the community than the money would be, if not collected; which being well obſerved, taxes can never be burdens.

XLII. Every foreigner of good character who comes to ſettle in this State, having firſt taken

taken an oath or affirmation of allegiance to the ſame, may purchaſe, or by other juſt means acquire, hold, and tranſfer land or other real eſtate; and after one year's reſidence ſhall be deemed a free denizen thereof, and intitled to all the rights of a natural-born ſubject of this State, except that he ſhall not be capable of being elected a Repreſentative until after two years reſidence.

XLIII. The inhabitants of this State ſhall have liberty to fowl and hunt in ſeaſonable times on the lands they hold, and on all other lands therein not incloſed; and in like manner to fiſh in all boatable waters, and others, not private property.

XLIV. A ſchool or ſchools ſhall be eſtabliſhed in each county by the legiſlature for the convenient inſtruction of youth, with ſuch ſalaries to the maſters, paid by the public, as may enable them to inſtruct youth at low prices: and all uſeful learning ſhall be duly encouraged and promoted in one or more univerſities.

XLV. Laws for the encouragement of virtue, and prevention of vice and immorality, ſhall

ſhall be made and conſtantly kept in force, and proviſion ſhall be made for their due execution: and all religious ſocieties or bodies of men heretofore united or incorporated for the advancement of religion and learning, or for other pious and charitable purpoſes, ſhall be encouraged and protected in the enjoyment of the privileges, immunities and eſtates which they were accuſtomed to enjoy, or could of right have enjoyed, under the laws and former Conſtitution of this State.

XLVI. The Declaration of Rights is hereby declared to be a part of the Conſtitution of this Commonwealth, and ought never to be violated on any pretence whatever.

XLVII. In order that the freedom of this Commonwealth may be preſerved inviolate for ever, there ſhall be choſen by ballot by the freemen in each city and county reſpectively, on the ſecond Tueſday in October, in the year one thouſand ſeven hundred and eighty-three, and on the ſecond Tueſday in October in every ſeventh year thereafter, two perſons in each city and county of this State, to be called, THE COUNCIL OF CENSORS; who ſhall meet together on the ſecond Monday of November, next

enſuing their election; the majority of whom ſhall be a Quorum in every caſe, except as to calling a Convention, in which two-thirds of the whole number elected ſhall agree; and whoſe duty it ſhall be to enquire whether the Conſtitution has been preſerved inviolate in every part; and whether the legiſlative and executive branches of Government have performed their duty as guardians of the people, or aſſumed to themſelves, or exerciſed other or greater powers than they are entitled to by the Conſtitution? They are alſo to enquire whether the public taxes have been juſtly laid and collected in all parts of this Commonwealth, in what manner the public monies have been diſpoſed of, and whether the laws have been duly executed. For theſe purpoſes they ſhall have power to ſend for perſons, papers, and records; they ſhall have authority to paſs public cenſures, to order impeachments, and to recommend to the legiſlature the repealing ſuch laws as appear to them to have been enacted contrary to the principles of the Conſtitution: theſe powers they ſhall continue to have, for and during the ſpace of one year from the day of their election, and no longer.

The

The ſaid Council of Cenſors ſhall alſo have power to call a Convention, to meet within two years after their ſitting, if there appear to them an abſolute neceſſity of amending any article of the Conſtitution which may be defective, explaining ſuch as may be thought not clearly expreſſed, and of adding ſuch as are neceſſary for the preſervation of the rights and happineſs of the people: but the articles to be amended, and the amendments propoſed, and ſuch articles as are propoſed to be added or aboliſhed, ſhall be promulgated at leaſt ſix months before the day appointed for the election of ſuch Convention, for the previous conſideration of the people, that they may have an opportunity of inſtructing their Delegates on the ſubject.

DELAWARE.

A DECLARATION of RIGHTS AND FUNDAMENTAL RULES OF THE DELAWARE STATE,

FORMERLY STILED,

"THE GOVERNMENT OF THE COUNTIES OF NEWCASTLE, KENT, AND SUSSEX, UPON DELAWARE."

I. THAT all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings; and that no man ought, or of right can be compelled to attend any religious worship, or maintain any ministry, contrary to or against his own free will and consent;

ſent; and that no authority can or ought to be veſted in, or aſſumed by any power whatever, that ſhall in any caſe interfere with, or in any manner controul, the right of conſcience, in the free exerciſe of religious worſhip.

III. That all perſons profeſſing the Chriſtian religion, ought for ever to enjoy equal rights and privileges in this State, unleſs under colour of religion any man diſturb the peace, the happineſs, or ſafety of ſociety.

IV. That the people of this State have the ſole, excluſive, and inherent right of governing and regulating the internal police of the ſame.

V. That perſons intruſted with the legiſlative and executive powers are the truſtees and ſervants of the public, and as ſuch accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifeſtly endangered by the legiſlative ſingly, or a treacherous combination of both, the people may, and of right ought to eſtabliſh a new, or reform the old Government.

VI. That the right in the people to participate in the legiſlature, is the foundation of liberty and of all free government; and for this end all elections ought to be free and frequent, and every freeman having ſufficient evidence of

a permanent common intereſt with, and attachment to the community, hath a right of ſuffrage.

VII. That no power of ſuſpending laws, or the execution of laws, ought to be exerciſed, unleſs by the legiſlature.

VIII. That for redreſs of grievances, and for amending and ſtrengthening of the laws, the legiſlature ought to be frequently convened.

IX. That every man hath a right to petition the legiſlature for the redreſs of grievances, in a peaceable and orderly manner.

X. That every member of ſociety hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his perſonal ſervice when neceſſary, or an equivalent thereto; but no part of a man's property can be juſtly taken from him, or applied to public uſes, without his own conſent, or that of his legal Repreſentatives: nor can any man that is conſcientiouſly ſcrupulous of bearing arms, in any caſe be juſtly compelled thereto, if he will pay ſuch equivalent.

XI. That retroſpective laws puniſhing offences committed before the exiſtence of ſuch laws,

laws, are oppreſſive and unjuſt, and ought not to be made.

XII. That every freeman, for every injury done him in his goods, lands, or perſon, by any other perſon, ought to have remedy by the courſe of the law of the land, and ought to have juſtice and right for the injury done to him, freely without ſale, fully without any denial, and ſpeedily without delay, according to the law of the land.

XIII. That trial by jury of facts where they ariſe, is one of the greateſt ſecurities of the lives, liberties, and eſtates of the people.

XIV. That in all proſecutions for criminal offences, every man hath a right to be informed of the accuſation againſt him, to be allowed counſel, to be confronted with the accuſers or witneſſes, to examine evidence on oath in his favour, and to a ſpeedy trial by an impartial jury, without whoſe unanimous conſent he ought not to be found guilty.

XV. That no man in the courts of common law ought to be compelled to give evidence againſt himſelf.

XVI. That exceſſive bail ought not to be required, nor exceſſive fines impoſed, nor cruel or unuſual puniſhments inflicted.

XVII. That all warrants without oath to ſearch ſuſpected places, or to ſeize any perſon or his property, are grievous and oppreſſive; and all general warrants to ſearch ſuſpected places, or to apprehend all perſons ſuſpected, without naming or deſcribing the place or any perſon in ſpecial, are illegal, and ought not to be granted.

XVIII. That a well-regulated militia is the proper, natural, and ſafe defence of a free government.

XIX. That ſtanding armies are dangerous to liberty, and ought not to be raiſed or kept up without the conſent of the legiſlature.

XX. That in all caſes and at all times the military ought to be under ſtrict ſubordination to, and governed by, the civil power.

XXI. That no ſoldier ought to be quartered in any houſe in time of peace, without the conſent of the owner; and in time of war in ſuch manner only as the legiſlature ſhall direct.

XXII. That the independency and uprightneſs of Judges are eſſential to the impartial adminiſtration of juſtice, and a great ſecurity to the rights and liberties of the people.

XXIII. That the liberty of the preſs ought to be inviolably preſerved.

THE

THE CONSTITUTION, OR SYSTEM OF GOVERNMENT,

AGREED TO AND RESOLVED UPON BY THE REPRESENTATIVES IN FULL CONVENTION OF THE DELAWARE STATE, FORMERLY STILED, "THE GOVERNMENT OF THE COUNTIES OF NEWCASTLE, KENT, AND SUSSEX, UPON DELAWARE;" THE SAID REPRESENTATIVES BEING CHOSEN BY THE FREEMEN OF THE SAID STATE, FOR THAT EXPRESS PURPOSE.

I. THE Government of the counties of Newcaſtle, Kent and Suſſex, upon Delaware, ſhall hereafter in all public and other writings be called, THE DELAWARE STATE.

II. The legiſlature ſhall be formed of two diſtinct branches. They ſhall meet once or oftener in every year, and ſhall be called, THE GENERAL ASSEMBLY OF DELAWARE.

III. One of the branches of the legiſlature ſhall be called, THE HOUSE OF ASSEMBLY, and ſhall conſiſt of ſeven Repreſentatives to be choſen for each county annually, of ſuch perſons as are freeholders of the ſame.

IV. The

IV. The other branch ſhall be called, THE COUNCIL, and conſiſt of nine Members; three to be choſen for each county at the time of the firſt election of the Aſſembly, who ſhall be freeholders of the county for which they are choſen, and be upwards of twenty-five years of age. At the end of one year after the general election, the Councillor who had the ſmalleſt number of votes in each county ſhall be diſplaced, and the vacancies thereby occaſioned ſupplied by the freemen of each county chooſing the ſame or another perſon at a new election in manner aforeſaid. At the end of two years after the firſt general election, the Councillor who ſtood ſecond in number of votes in each county ſhall be diſplaced, and the vacancies thereby occaſioned ſupplied by a new election in manner aforeſaid. And at the end of three years from the firſt general election, the Councillor who had the greateſt number of votes in each county ſhall be diſplaced, and the vacancies thereby occaſioned ſupplied by a new election in manner aforeſaid. And this rotation of a Councillor being diſplaced at the end of three years in each county, and his office ſupplied by a new choice, ſhall be continued afterwards in due order annually for ever,

whereby,

whereby, after the first general election, a Councillor will remain in trust for three years from the time of his being elected, and a Councillor will be displaced, and the same or another chosen in each county at every election.

V. The right of suffrage in the election of Members for both Houses shall remain as exercised by law at present; and each House shall choose its own Speaker, appoint its own officers, judge of the qualifications and elections of its own Members, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies. They may also severally expel any of their own Members for misbehaviour, but not a second time in the same sessions for the same offence, if re-elected; and they shall have all other powers necessary for the legislature of a free and independent State.

VI. All money-bills for the support of Government shall originate in the House of Assembly, and may be altered, amended or rejected by the Legislative Council. All other bills and ordinances may take rise in the House of Assembly or Legislative Council, and may be altered, amended or rejected by either.

VII. A

VII. A Preſident or Chief Magiſtrate ſhall be choſen by joint ballot of both Houſes, to be taken in the Houſe of Aſſembly, and the box examined by the Speakers of each Houſe in the preſence of the other Members; and in caſe the numbers for the two higheſt in votes ſhould be equal, then the Speaker of the Council ſhall have an additional caſting voice, and the appointment of the perſon who has the majority of votes ſhall be entered at large on the minutes and journals of each Houſe; and a copy thereof on parchment, certified and ſigned by the Speakers reſpectively, and ſealed with the great ſeal of the State, which they are hereby authoriſed to affix, ſhall be delivered to the perſon ſo choſen Preſident, who ſhall continue in that office three years, and until the ſitting of the next General Aſſembly and no longer, nor be eligible until the expiration of three years after he ſhall have been out of that office. An adequate but moderate ſalary ſhall be ſettled on him during his continuance in office. He may draw for ſuch ſums of money as ſhall be appropriated by the General Aſſembly, and be accountable to them for the ſame. He may, by and with the ad-

vice of the Privy-council, lay embargoes or prohibit the exportation of any commodity for any time not exceeding thirty days, in the recess of the General Assembly. He shall have the power of granting pardons or reprieves, except where the prosecution shall be carried on by the House of Assembly, or the law shall otherwise direct; in which cases no pardon or reprieve shall be granted, but by a resolve of the House of Assembly; and may exercise all the other executive powers of government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State. And on his death, inability, or absence from the State, the Speaker of the Legislative Council for the time being shall be Vice-president; and in case of his death, inability, or absence from the State, the Speaker of the House of Assembly shall have the powers of a President, until a new nomination is made by the General Assembly.

VIII. A Privy-council consisting of four Members shall be chosen by ballot, two by the Legislative Council, and two by the House of Assembly: provided, that no regular officer of the army or navy in the service and pay of the Continent, or of this or of any other State,

shall

ſhall be eligible. And a Member of the Legiſlative Council or of the Houſe of Aſſembly being choſen of the Privy-council, and accepting thereof, ſhall thereby loſe his ſeat. Three Members ſhall be a Quorum, and their advice and proceedings ſhall be entered on record, and ſigned by the Members preſent, (to any part of which any Member may enter his diſſent) to be laid before the General Aſſembly, when called for by them. Two Members ſhall be removed by ballot, one by the Legiſlative Council, and one by the Houſe of Aſſembly, at the end of two years, and thoſe who remain the next year after, who ſhall ſeverally be ineligible for the three next years. Theſe vacancies, as well as thoſe occaſioned by death or incapacity, ſhall be ſupplied by new elections in the ſame manner. And this rotation of a Privy-councillor ſhall be continued afterwards in due order annually forever. The Preſident may by ſummons convene the Privy-council at any time when the public exigencies may require, and at ſuch place as he ſhall think moſt convenient, when and where they are to attend accordingly.

IX. The Preſident, with the advice and conſent of the Privy-council, may embody the

the

the militia, and act as Captain-general and Commander in Chief of them, and the other military force of this State, under the laws of the same.

X. Either House of the General Assembly may adjourn themselves respectively. The President shall not prorogue, adjourn, or dissolve the General Assembly; but he may, with the advice of the Privy-council, or on the application of a majority of either House, call them before the time to which they shall stand adjourned; and the two Houses shall always sit at the same time and place; for which purpose, immediately after every adjournment, the Speaker of the House of Assembly shall give notice to the Speaker of the other House of the time to which the House of Assembly stands adjourned.

XI. The Delegates for Delaware to the Congress of the United States of America, shall be chosen annually, or superseded in the mean time, by joint ballot of both Houses in the General Assembly.

XII. The President and General Assembly shall by joint ballot appoint three Justices of the Supreme Court for the State, one of whom shall be Chief Justice and a Judge of Admiralty; and

and also four Justices of the Courts of Common-Pleas and Orphans Courts for each county, one of whom in each Court shall be stiled CHIEF JUSTICE (and in case of division on the ballot, the President shall have an additional casting voice), to be commissioned by the President under the great seal, who shall continue in office during good behaviour; and during the time the Justices of the said Supreme Court and Courts of Common-Pleas remain in office, they shall hold none other except in the militia. Any one of the Justices of either of said Courts shall have power, in case of the non-coming of his brethren, to open and adjourn the Court. An adequate, fixed, but moderate salary shall be settled on them during their continuance in office. The President and Privy-council shall appoint the Secretary; the Attorney General; Registers for the Probate of Wills, and granting letters of administration; Registers in Chancery; Clerks of the Courts of Common-Pleas and Orphans Courts and Clerks of the Peace; who shall be commissioned as aforesaid, and remain in office during five years, if they behave themselves well, during which time the said Registers in Chancery and Clerks

shall

ſhall not be Juſtices of either of the ſaid Courts of which they are officers, but they ſhall have authority to ſign all writs by them iſſued, and take recognizances of bail. The Juſtices of the Peace ſhall be nominated by the Houſe of Aſſembly; that is to ſay, They ſhall name twenty-four perſons for each county, of whom the Preſident, with the approbation of the Privy-council, ſhall appoint twelve, who ſhall be commiſſioned as aforeſaid, and continue in office during ſeven years, if they behave themſelves well; and in caſe of vacancies, or if the legiſlature ſhall think proper to increaſe the number, they ſhall be nominated and appointed in like manner. The members of the Legiſlative and Privy Councils ſhall be Juſtices of the Peace for the whole State, during their continuance in truſt: and the Juſtices of the Courts of Common-pleas ſhall be Conſervators of the Peace in the reſpective counties.

XIII. The Juſtices of the Courts of Common-pleas and Orphans Courts ſhall have the power of holding inferior Courts of Chancery as heretofore, unleſs the legiſlature ſhall otherwiſe direct.

The Clerks of the Supreme Court ſhall be appointed by the Chief Juſtice thereof, and

the Recorders of Deeds by the Juſtices of the Courts of Common-pleas for each county ſeverally, and commiſſioned by the Preſident under the Great Seal, and continue in office five years, if they behave themſelves well.

XV. The Sheriffs and Coroners of the reſpective counties ſhall be choſen annually as heretofore; and any perſon having ſerved three years as Sheriff, ſhall be ineligible for three years after; and the Preſident and Privy-council ſhall have the appointment of ſuch of the two candidates returned for the ſaid offices of Sheriffs and Coroners, as they ſhall think beſt qualified, in the ſame manner that the Governor heretofore enjoyed this power.

XVI. The General Aſſembly by joint ballot ſhall appoint the Generals and Field-officers, and all other officers in the army or navy of this State. And the Preſident may appoint during pleaſure, until otherwiſe directed by the legiſlature, all neceſſary civil officers not herein before-mentioned.

XVII. There ſhall be an appeal from the Supreme Court of Delaware in matters of law and equity, to a Court of ſeven perſons, to conſiſt of the Preſident for the time being, who ſhall

shall preside therein, and six others, to be appointed, three by the Legislative Council, and three by the House of Assembly, who shall continue in office during good behaviour, and be commissioned by the President under the Great Seal; which Court shall be styled, *The Court of Appeals*, and have all the authority and powers heretofore given by law in the last resort to the King in Council, under the old government. The Secretary shall be the Clerk of this Court, and vacancies therein occasioned by death or incapacity shall be supplied by new elections, in manner aforesaid.

XVIII. The Justices of the Supreme Court and Courts of Common-pleas, the Members of the Privy-council, the Secretary, the Trustees of the Loan-office, and Clerks of the Courts of Common-pleas, during their continuance in office, and all persons concerned in any army or navy contracts, shall be ineligible to either House of Assembly; and any Member of either House accepting of any other of the offices herein before-mentioned (excepting the office of a Justice of the Peace) shall have his seat thereby vacated, and a new election shall be ordered.

XIX. The Legiſlative Council and Aſſembly ſhall have the power of making the Great Seal of this State, which ſhall be kept by the Preſident, or in his abſence by the Vice-preſident, to be uſed by them as occaſion may require. It ſhall be called, *The Great Seal of the Delaware State*, and ſhall be affixed to all laws and commiſſions.

XX. Commiſſions ſhall run in the name of *The Delaware State*, and bear teſt by the Preſident. Writs ſhall run in the ſame manner, and bear teſt in the name of the Chief Juſtice, or Juſtice firſt named in the commiſſions for the ſeveral Courts, and be ſealed with the public ſeals of ſuch Courts. Indictments ſhall conclude, *Againſt the peace and dignity of the State.*

XXI. In caſe of vacancy of the offices above directed to be filled by the Preſident and General Aſſembly, the Preſident and Privy-council may appoint others in their ſtead, until there ſhall be a new election.

XXII. Every perſon who ſhall be choſen a Member of either Houſe, or appointed to any office or place of truſt, before taking his ſeat, or entering upon the execution of his office, ſhall take the following oath, or affirmation, if conſcientiouſly ſcrupulous of taking an oath, to wit,

"I,

"I, A. B. will bear true allegiance to the Delaware State, ſubmit to its conſtitution and laws, and do no act wittingly whereby the freedom thereof may be prejudiced."

And alſo make and ſubſcribe the following declaration, to wit,

"I, A. B. do profeſs faith in God the Father, and in Jeſus Chriſt his only Son, and the Holy Ghoſt, one God, bleſſed for evermore; and I do acknowledge the holy ſcriptures of the Old and New Teſtament to be given by divine inſpiration."

And all officers ſhall alſo take an oath of office.

XXIII. The Preſident when he is out of office, and within eighteen months after, and all others, offending againſt the State, either by mal-adminiſtration, corruption, or other means, by which the ſafety of the Commonwealth may be endangered, within eighteen months after the offence committed, ſhall be impeachable by the Houſe of Aſſembly before the Legiſlative Council; ſuch impeachment to be proſecuted by the Attorney-General, or ſuch other perſon or perſons as the Houſe of Aſſembly may appoint, according to the laws of the land. If found guilty, he or they ſhall be either for-

ever disabled to hold any office under government, or removed from office *pro tempore*, or subjected to such pains and penalties as the laws shall direct. And all officers shall be removed on conviction of misbehaviour at common law, or on impeachment, or upon the address of the General Assembly.

XXIV. All Acts of Assembly in force in this State on the fifteenth day of May last (and not hereby altered, or contrary to the resolutions of Congress, or of the late House of Assembly of this State), shall so continue until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire at the times respectively limited for their duration.

XXV. The common law of England, as well as so much of the statute law as have been heretofore adopted in practice in this State, shall remain in force, unless they shall be altered by a future law of the legislature, such parts only excepted as are repugnant to the rights and privileges contained in this Constitution, and the Declaration of Rights, &c. agreed to by this Convention.

XXVI. No person hereafter imported into this State from Africa ought to be held in

slavery

ſlavery under any pretence whatever; and no negro, Indian, or mulatto ſlave, ought to be brought into this State for ſale from any part of the world.

XXVII. The firſt election for the General Aſſembly of this State ſhall be held on the twenty-firſt day of October next, at the Court Houſes in the ſeveral counties, in the manner heretofore uſed in the election of the Aſſembly, except as to choice of Inſpectors and Aſſeſſors, where Aſſeſſors have not been choſen on the ſixteenth day of September inſtant, which ſhall be made on the morning of the day of election, by the electors, inhabitants of the reſpective hundreds in each county; at which time the Sheriffs and Coroners for the ſaid counties reſpectively are to be elected; and the preſent Sheriffs of the counties of Newcaſtle and Kent may be re-choſen to that office until the firſt day of October in the year of our Lord one thouſand ſeven hundred and ſeventy-nine, and the preſent Sheriff for the county of Suſſex may be re-choſen to that office until the firſt day of October in the year of our Lord one thouſand ſeven hundred and ſeventy-eight, provided the freemen think proper to re-elect them at every general election;

and the preſent Sheriffs and Coroners reſpectively ſhall continue to exerciſe their offices as heretofore, until the Sheriffs and Coroners to be elected on the ſaid twenty-firſt day of October ſhall be commiſſioned and ſworn into office. The Members of the Legiſlative Council and Aſſembly ſhall meet for tranſacting the buſineſs of the State on the twenty-eighth day of October next, and continue in office until the firſt day of October which will be in the year one thouſand ſeven hundred and ſeventy-ſeven; on which day, and on the firſt day of October in each year forever after, the Legiſlative Council, Aſſembly, Sheriffs, and Coroners, ſhall be choſen by ballot in manner directed by the ſeveral laws of this State for regulating elections of Members of Aſſembly, and Sheriffs and Coroners; and the General Aſſembly ſhall meet on the twentieth day of the ſame month, for tranſacting the buſineſs of the State; and if any of the ſaid firſt and twentieth days of October ſhould be Sunday, then, and in ſuch caſe, the elections ſhall be held and the General Aſſembly meet the next day following.

XXVIII. To prevent any violence or force being

being uſed at the ſaid elections, no perſons ſhall come armed to any of them; and no muſter of the militia ſhall be made on that day, nor ſhall any battalion or company give in their votes immediately ſucceeding each other, if any other voter who offers to vote objects thereto; nor ſhall any battalion or company in the pay of the Continent, or of this or any other State, be ſuffered to remain at the time and place of holding the ſaid elections, nor within one mile of the ſaid places reſpectively, for twenty-four hours before the opening ſaid elections, nor within twenty-four hours after the ſame are cloſed, ſo as in any manner to impede the freely and conveniently carrying on the ſaid election: provided always, that every elector may in a peaceable and orderly manner give in his vote on the ſaid day of election.

XXIX. There ſhall be no eſtabliſhment of any one religious ſect in this State in preference to another; and no Clergyman or Preacher of the Goſpel of any denomination ſhall be capable of holding any civil office in this State, or of being a Member of either of the branches of the legiſlature, while they continue in the exerciſe of the paſtoral function.

XXX. No article of the Declaration of Rights

Rights and Fundamental Rules of this State, agreed to by this Convention, nor the firſt, ſecond, fifth (except that part thereof that relates to the right of ſuffrage), twenty-ſixth and twenty-ninth articles of this Conſtitution, ought ever to be violated on any pretence whatever. No other part of this Conſtitution ſhall be altered, changed, or diminiſhed, without the conſent of five parts in ſeven of the Aſſembly, and ſeven Members of the Legiſlative Council.

Friday, September 20, 1776.

MARY-

MARYLAND.

A

DECLARATION of RIGHTS,

AND THE

CONSTITUTION

AND

FORM of GOVERNMENT

AGREED TO BY THE DELEGATES OF MARYLAND, IN FREE AND FULL CONVENTION ASSEMBLED.

A DECLARATION of RIGHTS, &c.

THE Parliament of Great-Britain, by a Declaratory Act, having assumed a right to make laws to bind the Colonies in all cases whatsoever, and in pursuance of such claim endeavoured by force of arms to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves Independent States, and to assume government under the authority of the people: therefore, We, the Delegates of Maryland, in free and full

Conven-

Convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this State, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great-Britain, and have been introduced, used, and practised, by the courts of law or equity; and also to all Acts of Assembly in force on the first of June seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by Acts of Convention, or this Declaration of Rights, subject nevertheless to the

revision

reviſion of, and amendment or repeal by, the legiſlature of this State; and the inhabitants of Maryland are alſo entitled to all property derived to them from or under the charter granted by his Majeſty Charles I. to Cæcilius Calvert, Baron of Baltimore.

IV. That all perſons inveſted with the legiſlative or executive powers of government are the truſtees of the public, and as ſuch accountable for their conduct: wherefore, whenever the ends of government are perverted, and public liberty manifeſtly endangered, and all other means of redreſs are ineffectual, the people may, and of right ought to reform the old or eſtabliſh a new government. The doctrine of non-reſiſtance againſt arbitrary power and oppreſſion, is abſurd, ſlaviſh, and deſtructive of the good and happineſs of mankind.

V. That the right in the people to participate in the legiſlature is the beſt ſecurity of liberty, and the foundation of all free government. For this purpoſe, elections ought to be free and frequent, and every man having property in, a common intereſt with, and attachment to, the community, ought to have a right of ſuffrage.

VI. That

VI. That the legiſlative, executive, and judicial powers of government ought to be forever ſeparate and diſtinct from each other.

VII. That no power of ſuſpending laws, or the execution of laws, unleſs by, or derived from, the legiſlature, ought to be exerciſed or allowed.

VIII. That freedom of ſpeech and debates, or proceedings in the legiſlature, ought not to be impeached in any other court of judicature.

IX. That a place for the meeting of the legiſlature ought to be fixed, the moſt convenient to the Members thereof, and to the depoſitory of public records; and the legiſlature ought not to be convened or held at any other place, but from evident neceſſity.

X. That for redreſs of grievances, and for amending, ſtrengthening and preſerving the laws, the legiſlature ought to be frequently convened.

XI. That every man hath a right to petition the legiſlature for the redreſs of grievances, in a peaceable and orderly manner.

XII. That no aid, charge, tax, fee or fees, ought to be ſet, rated, or levied, under any pretence, without conſent of the legiſlature.

XIII. That

XIII. That the levying taxes by the poll is grievous and oppreſſive, and ought to be abolished; that paupers ought not to be aſſeſſed for the ſupport of government; but every other perſon in the State ought to contribute his proportion of public taxes for the ſupport of government, according to his actual worth in real or perſonal property within the State; yet fines, duties, or taxes, may properly and juſtly be impoſed or laid with a political view for the good government and benefit of the community.

XIV. That ſanguinary laws ought to be avoided, as far as is conſiſtent with the ſafety of the State; and no law to inflict cruel and unuſual pains and penalties ought to be made in any caſe, or at any time hereafter.

XV. That retroſpective laws, puniſhing facts committed before the exiſtence of ſuch laws, and by them only declared criminal, are oppreſſive, unjuſt, and incompatible with liberty, wherefore no *ex poſt facto* law ought to be made.

XVI. That no law to attaint particular perſons of treaſon or felony ought to be made in any caſe, or at any time hereafter.

XVII. That

XVII. That every freeman, for any injury done him in his perſon or property, ought to have remedy by the courſe of the law of the land, and ought to have juſtice and right, freely without ſale, fully without any denial, and ſpeedily without delay, according to the law of the land.

XVIII. That the trial of facts where they ariſe, is one of the greateſt ſecurities of the lives, liberties, and eſtates of the people.

XIX. That in all criminal proſecutions, every man hath a right to be informed of the accuſation againſt him, to have a copy of the indictment or charge in due time (if required) to prepare for his defence, to be allowed Counſel, to be confronted with the witneſſes againſt him, to have proceſs for his witneſſes, to examine the witneſſes for and againſt him on oath, and to a ſpeedy trial by an impartial jury, without whoſe unanimous conſent he ought not to be found guilty.

XX. That no man ought to be compelled to give evidence againſt himſelf in a court of common law, or in any other court, but in ſuch caſes as have been uſually practiſed in this State, or may hereafter be directed by the legiſlature.

XXI. That

XXI. That no freeman ought to be taken or imprisoned, or dissiesed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

XXII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

XXIII. That all warrants without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place or the person in special, are illegal, and ought not to be granted.

XXIV. That there ought to be no forfeiture of any part of the estate of any person for any crime, except murder, or treason against the State, and then only on conviction and attainder.

XXV. That a well regulated militia is the proper and natural defence of a free government.

XXVI. That standing armies are dangerous to liberty, and ought not to be raised or kept without consent of the legislature.

XXVII. That in all cases and at all times the military ought to be under strict subordination to, and controul of, the civil power.

XXVIII. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner, and in time of war, in such manner only as the legislature shall direct.

XXIX. That no person, except regular soldiers, mariners, and marines in the service of this State, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.

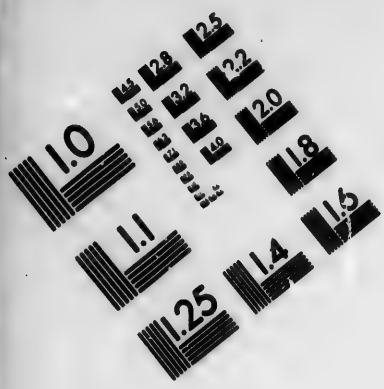
XXX. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people, wherefore the Chancellor and Judges ought to hold their commissions during good behaviour; and the said Chancellor and Judges shall be removed for misbehaviour, on conviction in a court of law, and may be removed by the Governor upon the address of the General Assembly, provided that two-thirds of all the Mem-

Members of each House concur in such address. That salaries liberal but not profuse ought to be secured to the Chancellor and the Judges during the continuance of their commissions, in such manner and at such times as the legislature shall hereafter direct, upon consideration of the circumstances of this State: no Chancellor or Judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

XXXI. That a long continuance in the first executive departments of power or trust is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

XXXII. That no person ought to hold at the same time more than one office of profit, nor ought any person in public trust to receive any present from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State.

XXXIII. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the Christian religion are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be



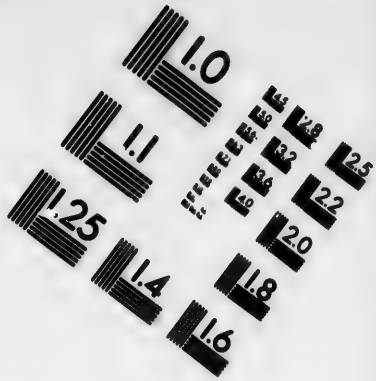
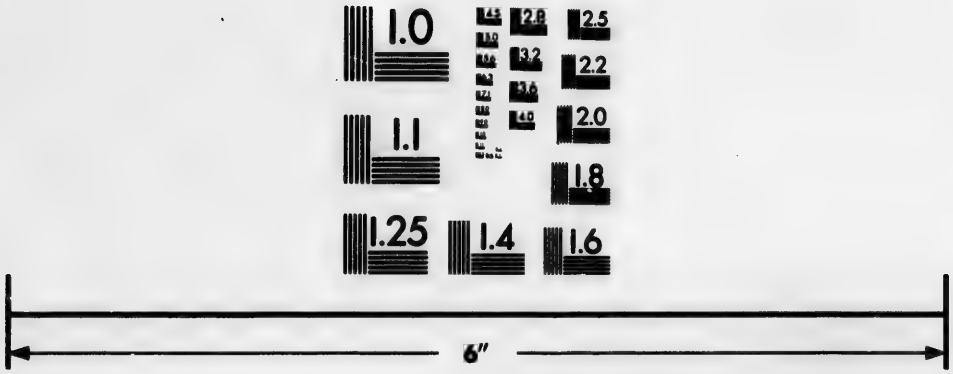
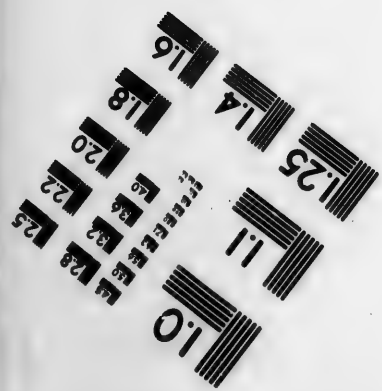
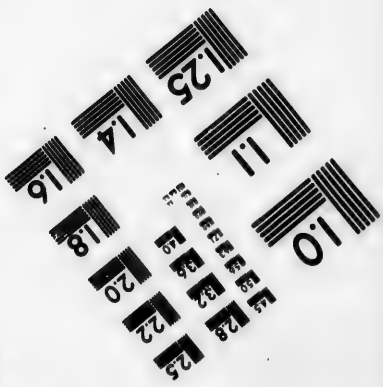


IMAGE EVALUATION
TEST TARGET (MT-3)







Photographic
Sciences
Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless, under colour of religion, any man shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry: yet the legislature may in their discretion lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county; but the churches, chapels, glebes, and all other property now belonging to the church of England, ought to remain to the church of England for ever. And all Acts of Assembly lately passed for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force and be executed, unless the legislature shall by Act supersede or repeal the same;

but

but no county court shall assess any quantity of tobacco or sum of money hereafter, on the application of any vestry-men or church-wardens; and every incumbent of the church of England who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the Act, entitled, "An Act for the support of the clergy of the church of England in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, for such time as he hath remained in his parish and performed his duty.

XXXIV. That every gift, sale, or devise of lands to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to, or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, or to or for such support, use or benefit; and also every devise of goods or chattels to, or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or

any religious ſect, order or denomination, without the leave of the legiſlature, ſhall be void; except always any ſale, gift, leaſe or deviſe of any quantity of land not exceeding two acres, for a church, meeting, or other houſe of worſhip, and for a burying-ground, which ſhall be improved, enjoyed, or uſed only for ſuch purpoſe, or ſuch ſale, gift, leaſe, or deviſe, ſhall be void.

XXXV. That no other teſt or qualification ought to be required on admiſſion to any office of truſt or profit, than ſuch oath of ſupport and fidelity to this State, and ſuch oath of office as ſhall be directed by this Convention, or the legiſlature of this State, and a declaration of a belief in the Chriſtian religion.

XXXVI. That the manner of adminiſtering an oath to any perſon, ought to be ſuch as thoſe of the religious perſuaſion, profeſſion, or denomination, of which ſuch perſon is one, generally eſteem the moſt effectual confirmation by the atteſtation of the Divine Being. And that the people called Quakers, thoſe called Dunkers, and thoſe called Menoniſts, holding it unlawful to take an oath on any occaſion, ought to be allowed to make their ſolemn affirmation in the manner that Quakers have been heretofore

heretofore allowed to affirm, and to be of the ſame avail as an oath in all ſuch caſes as the affirmation of Quakers hath been allowed and accepted within this State, inſtead of an oath. And further, on ſuch affirmation, warrants to ſearch for ſtolen goods, or for the apprehenſion or commitment of offenders, ought to be granted, or ſecurity for the peace awarded; and Quakers, Dunkers, or Menonilts, ought alſo, on their ſolemn affirmation as aforeſaid, to be admitted as witneſſes in all criminal caſes not capital.

XXXVII. That the city of Annapolis ought to have all its rights, privileges, and benefits, agreeable to its charter, and the Acts of Aſſembly confirming and regulating the ſame; ſubject nevertheleſs to ſuch alterations as may be made by this Convention, or any future legiſlature.

XXXVIII. That the liberty of the preſs ought to be inviolably preſerved.

XXXIX. That monopolies are odious, contrary to the ſpirit of a free government and the principles of commerce, and ought not to be ſuffered.

XL. That no title of nobility or hereditary honours ought to be granted in this State.

XLI. That the subsisting resolves of this and the several Conventions held for this Colony, ought to be in force as laws, unless altered by this Convention, or the legislature of this State.

XLII. That this Declaration of Rights, or the Form of Government to be established by this Convention, or any part of either of them, ought not to be altered, changed, or abolished by the legislature of this State, but in such manner as this Convention shall prescribe and direct.

This Declaration of Rights was assented to and passed in Convention of the Delegates of the Freemen of Maryland, begun and held at Annapolis the 14th day of August, *A. D.* 1776.

By Order of the Convention,

MAT. TILGHMAN, PRESIDENT.

THE

THE CONSTITUTION, OR FORM of GOVERNMENT, &c.

I. THAT the legiſlature conſiſt of two diſtinct branches, a Senate and a Houſe of Delegates, which ſhall be ſtiled, THE GENERAL ASSEMBLY OF MARYLAND.

II. That the Houſe of Delegates ſhall be choſen in the following manner: All freemen above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and reſiding therein; and all freemen having property in this State above the value of thirty pounds current money, and having reſided in the county in which they offer to vote, one whole year next preceding the election; ſhall have a right of ſuffrage in the election of Delegates for ſuch county; and all freemen ſo qualified ſhall, on the firſt Monday of October ſeventeen hundred and ſeventy-ſeven, and on the ſame day in every year thereafter, aſſemble

aſſemble in the counties in which they are reſpectively qualified to vote, at the Court-houſe in the ſaid counties, or at ſuch other place as the legiſlature ſhall direct, and when aſſembled they ſhall proceed to elect, *vivâ voce*, four Delegates for their reſpective counties, of the moſt wiſe, ſenſible, and diſcreet of the people, reſidents in the county where they are to be choſen one whole year next preceding the election, above twenty-one years of age, and having in the State real or perſonal property above the value of five hundred pounds current money; and upon the final caſting of the polls, the four perſons who ſhall appear to have the greateſt number of legal votes, ſhall be declared and returned duly elected for their reſpective counties.

III. That the Sheriff of each county, or, in caſe of ſickneſs, his deputy (ſummoning two Juſtices of the county, who are required to attend for the preſervation of the peace) ſhall be the Judge of the election, and may adjourn from day to day, if neceſſary, till the ſame be finiſhed, ſo that the whole election ſhall be concluded in four days; and ſhall make his return thereof, under his hand, to the Chancellor of this State for the time being.

IV. That

IV. That all persons qualified by the charter of the city of Annapolis to vote for burgesses, shall on the same first Monday of October seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, elect *viva voce*, by a majority of votes, two Delegates, qualified agreeable to the said charter; that the Mayor, Recorder, and Aldermen of the said city, or any three of them, be Judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day as aforesaid, and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for Delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county, distinct from the city.

V. That all persons, inhabitants of Baltimore town, and having the same qualifications as electors, in the county, shall, on the same first Monday in October seventeen hundred and seventy-seven, and the same day in every year forever thereafter, at such place in the said town as the Judges shall appoint, elect *viva voce*, by a majority of votes, two Delegates, qualified as aforesaid; but if the said inhabitants of the

town

town shall so decrease, as that the number of persons having a right of suffrage therein, shall have been for the space of seven years successively less than one-half the number of voters in some one county in this State, such town thenceforward shall cease to send two Delegates or Representatives to the House of Delegates, until the said town shall have one-half of the number of voters in some one county in this State.

VI. That the Commissioners of the said town, or any three or more of them, for the time being, shall be Judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid; but the inhabitants of the said town shall not be entitled to vote for, or be elected Delegates for Baltimore county; neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected Delegates for, the said town.

VII. That on refusal, death, disqualification, resignation or removal out of this State, of any Delegate, or on his becoming Governor or Member of the Council, a warrant of election shall issue by the Speaker, for the election of another

another in his place, of which ten days notice at least, excluding the day of notice and day of election, shall be given.

VIII. That not less than a majority of Delegates, with their Speaker, (to be chosen by them by ballot) constitute an House for the transaction of any business, other than that of adjourning.

IX. That the House of Delegates shall judge of the elections and qualifications of Delegates.

X. That the House of Delegates may originate all money bills, propose bills to the Senate, or receive those offered by that body, and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this State, and may commit any person for any crime to the public gaol, there to remain till he be discharged by due course of law. They may expel any Member for a great misdemeanour, but not a second time for the same cause. They may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, or appoint auditors to state or adjust the same. They may

call

call for all public or official papers and records, and send for persons, whom they may judge necessary, in the course of their enquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the State) to be sued for on any breach of duty.

XI. That the Senate may be at full and perfect liberty to exercise their judgement in passing laws, and that they may not be compelled by the House of Delegates either to reject a money bill which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgement injurious to the public welfare; the House of Delegates shall not on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies, to be raised for the support of Government, or the current expences of the State: and to prevent altercation about such bills, it is declared, that no bill imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or

to

to inforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill, but every bill assessing, levying, or applying taxes or supplies for the support of Government, or the current expences of the State, or appropriating money in the Treasury, shall be deemed a money bill.

XII. That the House of Delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behaviour, or by threats to, or abuse of their Members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their Members, during their sitting, or on their way to, or return from the House of Delegates; or by any assault of, or obstruction to their officers, in the execution of any order or process; or by assaulting or obstructing any witness, or any other person, attending on, or on their way to, or from the House; or by rescuing any person committed by the House; and the Senate may exercise the same power, in similar cases.

XIII. That the Treasurers (one for the western

weſtern and another for the eaſtern ſhore) and the Commiſſioners of the Loan Office may be appointed by the Houſe of Delegates during their pleaſure; and in caſe of refuſal, death, reſignation, diſqualification, or removal out of the State of any of the ſaid Commiſſioners or Treaſurers, in the receſs of the General Aſſembly, the Governor, with the advice of the Council, may appoint and commiſſion a fit and proper perſon to ſuch vacant office, and to hold the ſame until the meeting of the next General Aſſembly.

XIV. That the Senate be choſen in the following manner: All perſons, qualified as aforeſaid to vote for county Delegates, ſhall, on the firſt day of September, 1781, and on the ſame day in every fifth year forever thereafter, elect *viva voce*, by a majority of votes, two perſons for their reſpective counties, qualified as aforeſaid to be elected county Delegates, to be electors of the Senate; and the Sheriff of each county, or, in caſe of ſickneſs, his deputy (ſummoning two Juſtices of the county, who are required to attend for the preſervation of the peace), ſhall hold and be Judge of the ſaid election, and make return thereof as aforeſaid. And all perſons qualified as aforeſaid to vote for

for Delegates for the city of Annapolis and Baltimore town, ſhall on the ſame firſt Monday of September 1781, and on the ſame day in every fifth year forever thereafter, elect *viva voce*, by a majority of votes, one perſon for the ſaid city and town reſpectively, qualified as aforeſaid, to be elected a Delegate for the ſaid city and town reſpectively; the ſaid election to be held in the ſame manner as the election of Delegate for the ſaid city and town; the right to elect the ſaid elector with reſpect to Baltimore town to continue as long as the right to elect Delegates for the ſaid town.

XV. That the ſaid electors of the Senate meet at the city of Annapolis, or ſuch other place as ſhall be appointed for convening the legiſlature, on the third Monday in September 1781, and on the ſame day in every fifth year forever thereafter, and they, or any twenty-four of them ſo met, ſhall proceed to elect, by ballot, either out of their own body or the people at large, fifteen Senators (nine of whom to be reſidents on the weſtern, and ſix to be reſidents on the eaſtern, ſhore), men of the moſt wiſdom, experience and virtue, above twenty-five years of age, reſidents of the State

above three whole years next preceding the election, and having real and perſonal property above the value of one thouſand pounds current money.

XVI. That the Senators ſhall be balloted for at one and the ſame time; and out of the gentlemen reſidents of the weſtern ſhore who ſhall be propoſed as Senators, the nine who ſhall, on ſtriking the ballots, appear to have the greateſt number in their favour, ſhall be accordingly declared and returned duly elected; and out of the gentlemen reſidents of the eaſtern ſhore who ſhall be propoſed as Senators, the ſix who ſhall, on ſtriking the ballots, appear to have the greateſt number in their favour, ſhall be accordingly declared and returned duly elected: and if two or more, on the ſame ſhore, ſhall have an equal number of ballots in their favour, by which the choice ſhall not be determined on the firſt ballot, then the electors ſhall again ballot before they ſeparate, in which they ſhall be confined to theperſons who on the firſt ballot ſhall have had an equal number; and they who ſhall have the greateſt number in their favour on the ſecond ballot, ſhall be accordingly declared and returned duly elected;

elected; and if the whole number should not thus be made up, because of an equal number on the second ballot still being in favour of two or more persons, then the election shall be determined by lot, between those who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the Chancellor for the time being.

XVII. That the electors of Senators shall judge of the qualifications and elections of Members of their body, and on a contested election shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favour.

XVIII. That the electors immediately on their meeting, and before they proceed to the election of Senators, take such oath of support and fidelity to this State, as this Convention or the legislature shall direct; and also an oath, "to elect, without favour, affection, partiality, or prejudice, such persons for Senators as they, in their judgement and conscience, believe best qualified for the office."

XIX. That in case of refusal, death, resignation, disqualification, or removal out of this

State, of any Senator, or on his becoming Governor, or a Member of the Council, the Senate shall immediately thereupon, or at their next meeting thereafter, elect by ballot, in the same manner as the electors are above directed to chuse Senators, another person in his place for the residue of the said term of five years.

XX. That not less than a majority of the Senate, with their President (to be chosen by them by ballot), shall constitute an House for the transacting any business, other than that of adjourning.

XXI. That the Senate shall judge of the elections and qualifications of Senators.

XXII. That the Senate may originate any other except money bills, to which their assent or dissent only shall be given; and may receive any other bills from the House of Delegates, and assent, dissent, or propose amendments.

XXIII. That the General Assembly meet annually, on the first Monday of November, and if necessary oftener.

XXIV. That each House shall appoint its own officers, and settle its own rules of proceeding.

XXV. That

XXV. That a perſon of wiſdom, experience, and virtue, ſhall be choſen Governor, on the ſecond Monday of November ſeventeen hundred and ſeventy-ſeven, and on the ſecond Monday in every year forever thereafter, by the joint ballot of both Houſes, to be taken in each Houſe reſpectively, depoſited in a conference-room; the boxes to be examined by a joint Committee of both Houſes, and the numbers ſeverally reported, that the appointment may be entered; which mode of taking the joint ballot of both Houſes ſhall be adopted in all caſes. But if two or more ſhall have an equal number of ballots in their favour, by which the choice ſhall not be determined on the firſt ballot, then a ſecond ballot ſhall be taken, which ſhall be confined to the perſons who on the firſt ballot ſhall have had an equal number; and if the ballots ſhould again be equal between two or more perſons, then the election of the Governor ſhall be determined by lot, between thoſe who have equal numbers; and if the perſon choſen Governor ſhall die, reſign, remove out of the State, or refuſe to act (ſitting the General Aſſembly) the Senate and Houſe of Delegates ſhall immediately thereupon proceed to a new choice in manner aforeſaid.

XXVI. That the Senators and Delegates, on the ſecond Tueſday of November, 1777, and annually on the ſecond Tueſday of November forever thereafter, elect by joint ballot, in the ſame manner as Senators are directed to be choſen, five of the moſt ſenſible, diſcreet, and experienced men, above twenty-five years of age, reſidents in the State above three years next preceding the election, and having therein a freehold of lands and tenements above the value of one thouſand pounds current money, to be the Council to the Governor; whoſe proceedings ſhall be always entered on record, to any part whereof any Member may enter his diſſent; and their advice, if ſo required by the Governor or any Member of the Council, ſhall be given in writing, and ſigned by the Members giving the ſame reſpectively; which proceedings of the Council ſhall be laid before the Senate, or Houſe of Delegates, when called for by them, or either of them. The Council may appoint their own Clerk, who ſhall take ſuch oath of ſupport and fidelity to this State as this Convention or the legiſlature ſhall direct, and of ſecrecy, in ſuch matters as he ſhall be directed by the Board to keep ſecret.

XXVII. That

XXVII. That the Delegates to Congreſs from this State ſhall be choſen annually, or ſuperſeded in the mean time by the joint ballot of both Houſes of Aſſembly, and that there be a rotation in ſuch manner that at leaſt two of the number be annually changed; and no perſon ſhall be capable of being a Delegate to Congreſs for more than three in any term of ſix years; and no perſon who holds any office of profit in the gift of Congreſs ſhall be eligible to ſit in Congreſs, but if appointed to any ſuch office his ſeat ſhall be thereby vacated. That no perſon, unleſs above twenty-one years of age, and a reſident in the State more than five years next preceding the election, and having real and perſonal eſtate in this State above the value of one thouſand pounds current money, ſhall be eligible to ſit in Congreſs.

XXVIII. That the Senators and Delegates, immediately on their annual meeting, and before they proceed to any buſineſs, and every perſon hereafter elected a Senator or Delegate, before he acts as ſuch, ſhall take an oath of ſupport and fidelity to this State as aforeſaid; and before the election of a Governor, or Member of the Council, ſhall take an oath, "to

elect without favour, affection, partiality, or prejudice, such person as Governor, or Member of the Council, as they in their judgement and conscience believe best qualified for the office."

XXIX. That the Senate and Delegates may adjourn themselves respectively: but if the two Houses should not agree on the same time, but adjourn to different days, then shall the Governor appoint and notify one of those days or some day between, and the Assembly shall then meet and be held accordingly; and he shall, if necessary, by advice of the Council, call them before the time to which they shall in any manner be adjourned, on giving not less than ten days notice thereof; but the Governor shall not adjourn the Assembly otherwise than as aforesaid, nor prorogue or dissolve it at any time.

XXX. That no person, unless above twenty-five years of age, a resident in this State above five years next preceding the election, and having in the State real and personal property above the value of five thousand pounds current money, one thousand pounds whereof at least to be freehold estate, shall be eligible as Governor.

XXXI. That

XXXI. That the Governor ſhall not continue in that office longer than three years ſucceſſively, nor be eligible as Governor until the expiration of four years after he ſhall have been out of that office.

XXXII. That upon the death, reſignation, or removal out of this State of the Governor, the firſt named of the Council, for the time being, ſhall act as Governor, and qualify in the ſame manner; and ſhall immediately call a meeting of the General Aſſembly, giving not leſs than fourteen days notice of the meeting, at which meeting a Governor ſhall be appointed, in manner aforeſaid, for the reſidue of the year.

XXXIII. That the Governor, by and with the advice and conſent of the Council, may embody the militia, and when embodied ſhall alone have the direction thereof, and ſhall alſo have the direction of all the regular land and ſea forces under the laws of this State; but he ſhall not command in perſon, unleſs adviſed thereto by the Council, and then only ſo long as they ſhall approve thereof; and may alone exerciſe all other the executive powers of Government, where the concurrence of the Coun-

cil

cil is not required, according to the laws of this State; and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct; and may, during the recess of the General Assembly, lay embargoes to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year, summoning the General Assembly to meet within the time of the continuance of such embargo; and may also order and compel any vessel to ride quarantain, if such vessel, or the port from which she may have come, shall, on strong grounds, be suspected to be infected with the plague; but the Governor shall not, on any pretence, exercise any power or prerogative by virtue of any law, statute, or custom, of England or Great-Britain.

XXXIV. That the Members of the Council, or any three or more of them, when convened, shall constitute a Board for the transacting of business. That the Governor for the time being shall preside in the Council, and be entitled to a vote on all questions in which the Council shall be divided in opinion; and in the absence of the Governor, the first named of the Council shall preside, and as such shall also vote in all

cases

caſes where the other Members diſagree in their opinion.

XXXV. That in caſe of refuſal, death, reſignation, diſqualification, or removal out of the State, of any perſon choſen a Member of the Council, the Members thereof, immediately thereupon, or at their next meeting thereafter, ſhall elect by ballot, another perſon qualified as aforeſaid, in his place, for the reſidue of the year.

XXXVI. That the Council ſhall have power to make the Great Seal of this State, which ſhall be kept by the Chancellor for the time being, and affixed to all laws, commiſſions, grants, and other public teſtimonials, as has been heretofore practiſed in this State.

XXXVII. That no Senator, Delegate of Aſſembly, or Member of the Council, if he ſhall qualify as ſuch, ſhall hold or execute any office of profit, or receive the profits of any office exerciſed by any other perſon, during the time for which he ſhall be elected; nor ſhall any Governor be capable of holding any other office of profit in this State, while he acts as ſuch; and no perſon holding a place of profit, or receiving any part of the profits thereof,

or

or receiving the profits, or any part of the profits, arising on any agency for the supply of cloathing or provisions for the army or navy, or holding any office under the United States, or any of them, or a Minister or Preacher of the Gospel of any denomination, or any person employed in the regular land service, or marine, of this or the United States, shall have a seat in the General Assembly, or the Council of this State.

XXXVIII. That every Governor, Senator, Delegate to Congress or Assembly, and Member of the Council, before he acts as such, shall take an oath, "That he will not receive, directly or indirectly, at any time, any part of the profits of any office held by any other person during his acting in his office of Governor, Senator, Delegate to Congress or Assembly, or Member of the Council, or the profits, or any part of the profits, arising on any agency for the supply of cloathing or provisions for the army or navy."

XXXIX. That if any Senator, Delegate to Congress or Assembly, or Member of the Council, shall hold or execute any office of profit, or receive, directly or indirectly, at any time, the profits, or any part of the profits, of any office exer-

exercised by any other person, during his acting as Senator, Delegate to Congress or Assembly, or Member of the Council, his seat, on conviction in a court of law, by the oath of two credible witnesses, shall be void, and he shall suffer the punishment for wilful and corrupt perjury, or be banished this State for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may judge.

XL. That the Chancellor, all Judges, the Attorney-General, Clerks of the General Court, the Clerks of the County Courts, the Registers of the Land Office, and the Registers of Wills, shall hold their commissions during good behaviour, removeable only for misbehaviour, on conviction in a court of law.

XLI. That there be a Register of Wills appointed for each county, who shall be commissioned by the Governor, on the joint recommendation of the Senate and House of Delegates; and that upon the death, resignation, disqualification, or removal out of the county, by any Register of Wills, in the recess of the General Assembly, the Governor, with the advice of the Council, may appoint and commission a fit and proper person to such vacant office,

to hold the ſame until the meeting of the General Aſſembly.

XLII. That Sheriffs ſhall be elected in each county, by ballot, every third year, that is to ſay, two perſons for the office of Sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the diſcretion of the Governor, to be commiſſioned by the Governor for the ſaid office, and having ſerved for three years, ſuch perſon ſhall be ineligible for the four years next ſucceeding, bond with ſecurity to be taken every year as uſual, and no Sheriff ſhall be qualified to act before the ſame is given. In caſe of death, refuſal, reſignation, diſqualification, or removal out of the county, before the expiration of the three years, the other perſon, choſen as aforeſaid, ſhall be commiſſioned by the Governor to execute the ſaid office for the reſidue of the ſaid three years, the ſaid perſon giving bond with ſecurity as aforeſaid; and in caſe of his death, refuſal, reſignation, diſqualification, or removal out of the county, before the expiration of the ſaid three years, the Governor, with the advice of the Council, may nominate and commiſſion a fit and proper perſon to execute the ſaid office for

for the reſidue of the ſaid three years, the ſaid perſon giving bond and ſecurity as aforeſaid. The election ſhall be held at the ſame time and place appointed for the election of Delegates; and the Juſtices there ſummoned to attend for the preſervation of the peace, ſhall be Judges thereof, and of the qualification of candidates, who ſhall appoint a clerk to take the ballots. All freemen above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and reſiding therein; and all freemen above the age of twenty-one years, and having property in the State above the value of thirty pounds current money, and having reſided in the county in which they offer to ballot, one whole year next preceding the election, ſhall have a right of ſuffrage; no perſon to be eligible to the office of Sheriff for a county, but an inhabitant of the ſaid county above the age of twenty-one years, and having real and perſonal property in the State above the value of one thouſand pounds current money. The Juſtices aforeſaid ſhall examine the ballots, and the two candidates properly qualified, having in each county the majority of legal ballots, ſhall be declared duly elected for the office of Sheriff for ſuch county,

and

and returned to the Governor and Council, with a certificate of the number of ballots for each of them.

XLIII. That every person who shall offer to vote for Delegates, or for the election of the Senate, or for the Sheriff, shall (if required by any three persons qualified to vote), before he be admitted to poll, take such oath or affirmation of support and fidelity to this State, as this Convention or the legislature shall direct.

XLIV. That a Justice of the Peace may be eligible as a Senator, Delegate, or Member of the Council, and may continue to act as a Justice of the Peace.

XLV. That no Field-officer of the militia be eligible as a Senator, Delegate, or Member of the Council.

XLVI. That all civil officers hereafter to be appointed for the several counties of this State, shall have been residents of the county respectively, for which they shall be appointed, six months next before their appointment, and shall continue residents of their county respectively, during their continuance in office.

XLVII. That the Judges of the General Court, and Justices of the county courts, may appoint

the

the clerks of their reſpective courts, and in caſe of refuſal, death, reſignation, diſqualification, or removal out of the county of any of the ſaid county-clerks in the vacation of the county court of which he is clerk, the Governor with the advice of the Council may appoint and commiſſion a fit and proper perſon to ſuch vacant office reſpectively, to hold the ſame until the meeting of the next General Court, or county court, as the caſe may be.

XLVIII. That the Governor for the time being, with the advice and conſent of the Council, may appoint the Chancellor, and all Judges and Juſtices, the Attorney-general, naval officers, officers in the regular land and ſea ſervice, officers of the militia, regiſters of the land office, ſurveyors, and all other civil officers of government (aſſeſſors, conſtables, and overſeers of the roads only excepted), and may alſo ſuſpend or remove any civil officer who has not a commiſſion during good behaviour; and may ſuſpend any militia officer for one month; and may alſo ſuſpend or remove any regular officer in the land or ſea ſervice; and the Governor may remove or ſuſpend any militia officer in purſuance of the judgment of a Court-martial.

XLIX. That all civil officers of the appointment of the Governor and Council, who do not hold commissions during good behaviour, shall be appointed annually in the third week of November; but if any of them shall be re-appointed, they may continue to act without any new commission or qualification; and every officer, though not re-appointed, shall continue to act until the person who shall be appointed and commissioned in his stead shall be qualified.

L. That the Governor, every Member of the Council, and every Judge and Justice, before they act as such, shall respectively take an oath, "That he will not, through favour, affection, or partiality, vote for any person to office, and that he will vote for such person as in his judgment and conscience he believes most fit and best qualified for the office; and that he has not made, nor will make, any promise or engagement to give his vote or interest in favour of any person."

LI. That there be two Registers of the land office, one upon the western and one upon the eastern shore; that short extracts of the grant, and certificates of the land on the western and

eaſtern ſhores reſpectively be made in ſeparate books, at the public expence, and depoſited in the offices of the ſaid Regiſters in ſuch manner as ſhall hereafter be provided by the General Aſſembly.

LII. That every Chancellor, Judge, Regiſter of Wills, Commiſſioner of the Loan Office, Attorney-general, Sheriff, Treaſurer, Naval Officer, Regiſter of the Land-office, Regiſter of the Chancery Court, and every Clerk of the Common Law Courts, Surveyor, and Auditor of the Public Accounts, before he acts as ſuch, ſhall take an oath, "that he will not directly or indirectly receive any fee or reward for doing his office of but what is or ſhall be allowed by law; nor will directly or indirectly receive the profits or any part of the profits of any office held by any other perſon, and that he does not hold the ſame office in truſt or for the benefit of any other perſon."

LIII. That if any Governor, Chancellor, Judge, Regiſter of Wills, Attorney-general, Regiſter of the Land-office, Regiſter of the Chancery Court, or any Clerk of the Common Law Courts, Treaſurer, Naval Officer, Sheriff, Surveyor or Auditor of Public Accounts, ſhall re-

ceive directly or indirectly, at any time, the profits or any part of the profits of any office held by any other perſon during his acting in the office to which he is appointed, his election, appointment, and commiſſion, on conviction in a Court of Law, by oath of two credible witneſſes, ſhall be void, and he ſhall ſuffer the puniſhment for wilful and corrupt perjury, or be baniſhed this State for ever, or diſqualified for ever from holding any office or place of truſt or profit, as the Court may adjudge.

LIV. That if any perſon ſhall give any bribe, preſent, or reward, or any promiſe, or any ſecurity for the payment or delivery of any money, or any other thing, to obtain or procure a vote to be Governor, Senator, Delegate to Congreſs or Aſſembly, Member of the Council, or Judge, or to be appointed to any of the ſaid offices, or to any office of profit or truſt, now created or hereafter to be created in this State; the perſon giving, and the perſon receiving the ſame, on conviction in a Court of Law, ſhall be for ever diſqualified to hold any office of truſt or profit in this State.

LV. That every perſon appointed to any office of profit or truſt ſhall, before he enters

on

on the execution thereof, take the following oath, to wit, "I, A. B. do ſwear, That I do not hold myſelf bound in allegiance to the King of Great Britain, and that I will be faithful, and bear true allegiance to the State of Maryland," and ſhall alſo ſubſcribe a declaration of his belief in the Chriſtian religion.

LVI. That there be a Court of Appeals, compoſed of perſons of integrity and ſound judgement in the law, whoſe judgment ſhall be final and concluſive in all caſes of appeal from the General Court, Court of Chancery, and Court of Admiralty: That one perſon of integrity and ſound judgement in the law be appointed Chancellor: That three perſons of integrity and ſound judgement in the law be appointed Judges of the Court now called the Provincial Court; and that the ſame Court be hereafter called and known by the name of THE GENERAL COURT; which Court ſhall ſit on the weſtern and eaſtern ſhores for tranſacting and determining the buſineſs of the reſpective ſhores, at ſuch times and places as the future legiſlature of this State ſhall direct and appoint.

LVII. That the ſtile of all laws run thus, *Be it enacted, by the General Aſſembly of Maryland:* That all public commiſſions and grants

run thus, *The State of Maryland*, &c. and ſhall be ſigned by the Governor, and atteſted by the Chancellor, with the Seal of the State annexed, except military commiſſions, which ſhall not be atteſted by the Chancellor, or have the Seal of the State annexed: That all writs ſhall run in the ſame ſtile, and be teſted, ſealed and ſigned as uſual: That all indictments ſhall conclude, *Againſt the Peace, Government, and Dignity of the State.*

LVIII. That all penalties and forfeitures, heretofore going to the King or Proprietary, ſhall go to the State, ſave only ſuch as the General Aſſembly may aboliſh or otherwiſe provide for.

LIX. That this Form of Government, and the Declaration of Rights, and no part thereof, ſhall be altered, changed, or aboliſhed, unleſs a bill ſo to alter, change, or aboliſh the ſame, ſhall paſs the General Aſſembly, and be publiſhed at leaſt three months before a new election, and ſhall be confirmed by the General Aſſembly after a new election of Delegates, in the firſt ſeſſion after ſuch new election: Provided, that nothing in this Form of Government which relates to the eaſtern ſhore particularly, ſhall at any time hereafter be altered, unleſs

unleſs for the alteration and confirmation thereof at leaſt two-thirds of all the Members of each branch of the General Aſſembly ſhall concur.

LX. That every bill paſſed by the General Aſſembly, when engroſſed, ſhall be preſented by the Speaker of the Houſe of Delegates, in the Senate, to the Governor for the time being, who ſhall ſign the ſame, and thereto affix the Great Seal, in the preſence of the Members of both Houſes. Every law ſhall be recorded in the General Court-Office of the weſtern ſhore, and in due time printed, publiſhed, and certified under the Great Seal, to the ſeveral county courts, in the ſame manner as hath been heretofore uſed in this State.

This Form of Government was aſſented to, and paſſed in Convention of the Delegates of the Freemen of Maryland, begun and held at the city of Annapolis, the 14th of Auguſt, A. D. 1776.

By order of the Convention,

M. TILGHMAN, PRESIDENT.

VIRGINIA.

THE

CONSTITUTION,

OR

FORM OF GOVERNMENT,

AGREED TO AND RESOLVED UPON BY THE DELEGATES AND REPRESENTATIVES OF THE SEVERAL COUNTIES AND CORPORATIONS OF VIRGINIA, IN A GENERAL CONVENTION HELD AT WILLIAMSBURGH, ON THE SIXTH OF MAY, AND CONTINUED BY ADJOURNMENTS TO THE FIFTH OF JULY, 1776.

WE, the Delegates and Repreſentatives of the good people of Virginia, do declare the future Form of Government of Virginia to be as followeth:

The legiſlative, executive, and judiciary departments ſhall be ſeparate and diſtinct, ſo that neither exerciſe the powers properly belonging to the other; nor ſhall any perſon exerciſe the powers of more than one of them at the ſame time, except that the Juſtices of the county courts ſhall be eligible to either Houſe of Aſſembly.

The

The legiſlative ſhall be formed of two diſtinct branches, who, together, ſhall be a complete legiſlature. They ſhall meet once, or oftener, every year, and ſhall be called, THE GENERAL ASSEMBLY OF VIRGINIA. One of theſe ſhall be called, THE HOUSE OF DELEGATES, and conſiſt of two Repreſentatives to be choſen for each county, and for the diſtrict of Weſt-Auguſta, annually, of ſuch men as actually reſide in and are freeholders of the ſame, or duly qualified according to law; and alſo of one Delegate or Repreſentative to be choſen annually for the city of Williamſburgh, and one for the borough of Norfolk, and a Repreſentative for each of ſuch other cities and boroughs as may hereafter be allowed particular repreſentation by the legiſlature; but when any city or borough ſhall ſo decreaſe, as that the number of perſons having right of ſuffrage therein ſhall have been for the ſpace of ſeven years ſucceſſively leſs than half the number of voters in ſome one county in Virginia, ſuch city or borough thenceforward ſhall ceaſe to ſend a Delegate or Repreſentative to the Aſſembly.

The other ſhall be called, THE SENATE, and conſiſt of twenty-four Members, of whom thirteen ſhall conſtitute a Houſe to proceed on

buſineſs,

buſineſs, for whoſe election the different counties ſhall be divided into twenty-four diſtricts, and each county of the reſpective diſtrict, at the time of the election of its Delegates, ſhall vote for one Senator, who is actually a reſident and freeholder within the diſtrict, or duly qualified according to law, and is upwards of twenty-five years of age; and the Sheriffs of each county, within five days at fartheſt after the laſt county election in the diſtrict, ſhall meet at ſome convenient place, and from the poll ſo taken in their reſpective counties, return as a Senator the man who ſhall have the greateſt number of votes in the whole diſtrict. To keep up this Aſſembly by rotation, the diſtricts ſhall be equally divided into four claſſes, and numbered by lot. At the end of one year after the general election, the ſix Members elected by the firſt diviſion ſhall be diſplaced, and the vacancies thereby occaſioned ſupplied from ſuch claſs or diviſion, by new election in the manner aforeſaid. This rotation ſhall be applied to each diviſion according to its number, and continued in due order annually.

The right of ſuffrage in the election of Members for both Houſes ſhall remain as exerciſed at preſent, and each Houſe ſhall chuſe its

its own Speaker, appoint its own officers, ſettle its own rules of proceeding, and direct writs of election for the ſupplying intermediate vacancies.

All laws ſhall originate in the Houſe of Delegates, to be approved of or rejected by the Senate, or to be amended with conſent of the Houſe of Delegates; except money-bills, which in no inſtance ſhall be altered by the Senate, but wholly approved or rejected.

A Governor, or Chief Magiſtrate, ſhall be choſen annually, by joint ballot of both Houſes, to be taken in each Houſe reſpectively, depoſited in the conference-room, the boxes examined jointly by a Committee of each Houſe, and the numbers ſeverally reported to them, that the appointments may be entered (which ſhall be the mode of taking the joint ballot of both Houſes in all caſes), who ſhall not continue in that office longer than three years ſucceſſively, nor be eligible until the expiration of four years after he ſhall have been out of that office. An adequate, but moderate ſalary ſhall be ſettled on him during his continuance in office; and he ſhall, with the advice of a Council of State, exerciſe the executive powers of government, according to the laws of this Commonwealth;

and

and ſhall not, under any pretence, exerciſe any power or prerogative by virtue of any law, ſtatute, or cuſtom of England: but he ſhall, with the advice of the Council of State, have the power of granting reprieves or pardons, except where the proſecution ſhall have been carried on by the Houſe of Delegates, or the law ſhall otherwiſe particularly direct; in which caſes no reprieve or pardon ſhall be granted, but by reſolve of the Houſe of Delegates.

Either Houſe of the General Aſſembly may adjourn themſelves reſpectively. The Governor ſhall not prorogue or adjourn the Aſſembly during their ſitting, nor diſſolve them at any time; but he ſhall, if neceſſary, either by advice of the Council of State, or on application of a majority of the Houſe of Delegates, call them before the time to which they ſhall ſtand prorogued or adjourned.

A Privy-Council, or Council of State, conſiſting of eight Members, ſhall be choſen by joint ballot of both Houſes of Aſſembly, either from their own Members or the people at large, to aſſiſt in the adminiſtration of government. They ſhall annually chuſe, out of their own Members, a Preſident, who, in caſe of death, inability, or abſence of the Governor from the govern-

government, ſhall act as Lieutenant-Governor. Four Members ſhall be ſufficient to act, and their advice and proceedings ſhall be entered on record, and ſigned by the Members preſent (to any part whereof any Member may enter his diſſent), to be laid before the General Aſſembly, when called for by them. This Council may appoint their own Clerk, who ſhall have a ſalary ſettled by law, and take an oath of ſecrecy in ſuch matters as he ſhall be directed by the Board to conceal. A ſum of money appropriated to that purpoſe, ſhall be divided annually among the Members, in proportion to their attendance; and they ſhall be incapable, during their continuance in office, of ſitting in either Houſe of Aſſembly. Two Members ſhall be removed by joint ballot of both Houſes of Aſſembly, at the end of every three years, and be ineligible for the three next years. Theſe vacancies, as well as thoſe occaſioned by death or incapacity, ſhall be ſupplied by new elections in the ſame manner.

The Delegates for Virginia to the Continental Congreſs ſhall be choſen annually, or ſuperſeded in the mean time by joint ballot of both Houſes of Aſſembly.

The preſent militia officers ſhall be continued,

nued, and vacancies ſupplied by appointment of the Governor, with the advice of the Privy-Council, on recommendations from the reſpective county courts; but the Governor and Council ſhall have a power of ſuſpending any officer, and ordering a court-martial on complaint of miſbehaviour or inability, or to ſupply vacancies of officers happening when in actual ſervice.

The Governor may embody the militia, with the advice of the Privy-Council; and, when embodied, ſhall alone have the direction of the militia under the laws of the country.

The two Houſes of Aſſembly ſhall, by joint ballot, appoint Judges of the Supreme Court of Appeals, and General Court, Judges in Chancery, Judges of Admiralty, Secretary, and the Attorney-general, to be commiſſioned by the Governor, and continue in office during good behaviour. In caſe of death, incapacity, or reſignation, the Governor, with the advice of the Privy-Council, ſhall appoint perſons to ſucceed in office, to be approved or diſplaced by both Houſes. Theſe officers ſhall have fixed and adequate ſalaries, and, together with all others holding lucrative offices, and all Miniſters

ſters of the Goſpel of every denomination, be incapable of being elected Members of either Houſe of Aſſembly, or the Privy-Council.

The Governor, with the advice of the Privy-Council, ſhall appoint Juſtices of the Peace for the counties; and in caſe of vacancies, or a neceſſity of increaſing the number hereafter, ſuch appointments to be made upon the recommendation of the reſpective county courts. The preſent acting Secretary in Virginia, and Clerks of all the county courts, ſhall continue in office. In caſe of vacancies, either by death, incapacity, or reſignation, a Secretary ſhall be appointed, as before directed, and the Clerks by the reſpective courts. The preſent and future Clerks ſhall hold their offices during good behaviour, to be judged of and determined in the General Court. The Sheriffs and Coroners ſhall be nominated by the reſpective courts, approved by the Governor, with the advice of the Privy-Council, and commiſſioned by the Governor. The Juſtices ſhall appoint conſtables; and all fees of the aforeſaid officers be regulated by law.

The Governor, when he is out of office, and others offending againſt the State, either by mal-

mal-administration, corruption, or other means, by which the safety of the State may be endangered, shall be impeachable by the House of Delegates; such impeachment to be prosecuted by the Attorney-general, or such other person or persons as the House may appoint, in the General Court, according to the laws of the land. If found guilty, he or they shall be either for ever disabled to hold any office under Government, or be removed from such office *pro tempore*, or subjected to such pains or penalties as the law shall direct.

If all or any of the Judges of the General Court should (on good grounds to be judged of by the House of Delegates) be accused of any of the crimes or offences abovementioned, such House of Delegates may in like manner impeach the Judge or Judges so accused, to be prosecuted in the Court of Appeals; and he or they, if found guilty, shall be punished in the same manner as prescribed in the preceding clause.

Commissions and grants shall run, *In the name of the Commonwealth of Virginia*, and bear test by the Governor, with the Seal of the Commonwealth annexed. Writs shall run in the same

ſame manner, and bear teſt by the Clerks of the ſeveral courts. Indictments ſhall conclude, *Againſt the peace and dignity of the Commonwealth.*

A Treaſurer ſhall be appointed annually, by joint ballot of both Houſes.

All eſcheats, penalties, and forfeitures, heretofore going to the King, ſhall go to the Commonwealth, ſave only ſuch as the legiſlature may aboliſh, or otherwiſe provide for.

The territories contained within the charters erecting the colonies of Maryland, Pennſylvania, North and South-Carolina, are hereby ceded, releaſed, and forever confirmed to the people of theſe Colonies reſpectively, with all the rights of property, juriſdiction, and government, and all other rights whatſoever, which might at any time heretofore have been claimed by Virginia, except the free navigation and uſe of the rivers Potomaque and Pokomoke, with the property of the Virginia ſhores and ſtrands bordering on either of the ſaid rivers, and all improvements which have been or ſhall be made thereon. The weſtern and northern extent of Virginia ſhall in all other reſpects ſtand as fixed by the charter of King James I. in the year

one thouſand ſix hundred and nine, and by the public treaty of peace between the Courts of Britain and France, in the year one thouſand ſeven hundred and ſixty-three; unleſs, by act of this legiſlature, one or more governments be eſtabliſhed weſtward of the Allegheny mountains. And no purchaſes of lands ſhall be made of the Indian natives but on behalf of the public, by authority of the General Aſſembly.

NORTH-

NORTH-CAROLINA.

THE

CONSTITUTION,

OR

FORM OF GOVERNMENT,

AGREED TO AND RESOLVED UPON BY THE REPRESENTATIVES OF THE FREEMEN OF THE STATE OF NORTH-CAROLINA, ELECTED AND CHOSEN FOR THAT PARTICULAR PURPOSE, IN CONGRESS ASSEMBLED, AT HALIFAX, DEC. 18, 1776.

A

DECLARATION OF RIGHTS, &c.

I. THAT all political power is vested in and derived from the people only.

II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That no man, or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

 IV. That

IV. That the legiſlative, executive, and ſupreme judicial powers of government ought to be for ever ſeparate and diſtinct from each other.

V. That all powers of ſuſpending laws, or the execution of laws, by any authority, without conſent of the Repreſentatives of the people, is injurious to their rights, and ought not to be exerciſed.

VI. That elections of Members to ſerve as Repreſentatives in General Aſſembly ought to be free.

VII. That in all criminal proſecutions every man has a right to be informed of the accuſation againſt him, and to confront the accuſers and witneſſes with other teſtimony, and ſhall not be compelled to give evidence againſt himſelf.

VIII. That no freeman ſhall be put to anſwer any criminal charge but by indictment, preſentment, or impeachment.

IX. That no freeman ſhall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court as heretofore uſed.

X. That

X. That excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman restrained of his liberty, is intitled to a remedy, to enquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the preſs is one of the great bulwarks of liberty, and therefore ought never to be reſtrained.

XVI. That the people of this State ought not to be taxed, or made ſubject to the payment of any impoſt or duty, without the conſent of themſelves, or their Repreſentatives in General Aſſembly freely given.

XVII. That the people have a right to bear arms for the defence of the State; and as ſtanding armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military ſhould be kept under ſtrict ſubordination to, and governed by the civil power.

XVIII. That the people have a right to aſſemble together, to conſult for their common good, to inſtruct their Repreſentatives, and to apply to the legiſlature for redreſs of grievances.

XIX. That all men have a natural and unalienable right to worſhip Almighty God according to the dictates of their own conſcience.

XX. That for redreſs of grievances, and for amending and ſtrengthening the laws, elections ought to be often held.

XXI.

XXI. That a frequent recurrence to fundamental principles is abſolutely neceſſary to preſerve the bleſſings of liberty.

XXII. That no hereditary emoluments, privileges, or honours, ought to be granted or conferred in this State.

XXIII. That perpetuities and monopolies are contrary to the genius of a free ſtate, and ought not to be allowed.

XXIV. That retroſpective laws, puniſhing facts committed before the exiſtence of ſuch laws, and by them only declared criminal, are oppreſſive, unjuſt, and incompatible with liberty, wherefore no *ex poſt facto* law ought to be made.

XXV. The property of the ſoil in a free government being one of the eſſential rights of the collective body of the people, it is neceſſary, in order to avoid future diſputes, that the limits of the State ſhould be aſcertained with preciſion; and as the former temporary line between North and South Carolina was confirmed and extended by Commiſſioners, appointed by the legiſlatures of the two States, agreeable to the order of the late King George II. in Council, that line, and that only, ſhould be

eſteemed the ſouthern boundary of this State; that is to ſay, beginning on the ſea ſide at a Cedar Stake, at or near the mouth of Little River (being the ſouthern extremity of Brunſwic county), and running from thence a north-weſt courſe through the Boundary Houſe, which ſtands in thirty-three degrees fifty-ſix minutes, to thirty-five degrees north latitude, and from thence a weſt courſe, ſo far as is mentioned in the charter of King Charles II. to the late Proprietors of Carolina. Therefore all the territory, ſeas, waters, and harbours, with their appurtenances, lying between the line above deſcribed, and the ſouthern line of the State of Virginia, which begins on the ſea ſhore, in thirty-ſix degrees thirty minutes north latitude, and from thence runs weſt, agreeable to the ſaid charter of King Charles, are the right and property of the people of this State, to be held by them in ſovereignty; any partial line, without the conſent of the legiſlature of this State, at any time thereafter directed or laid out in any wiſe notwithſtanding. Provided always, That this Declaration of Rights ſhall not prejudice any nation or nations of Indians from enjoying ſuch hunting grounds as

may

may have been, or hereafter ſhall be ſecured to them by any former or future legiſlature of this State. And provided alſo, That it ſhall not be conſtrued ſo as to prevent the eſtabliſhment of one or more governments weſtward of this State, by conſent of the legiſlature. And provided further, That nothing herein contained ſhall affect the titles or poſſeſſions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George II. or his predeceſſors, or the late Lords Proprietors, or any of them.

THE

THE CONSTITUTION, OR FORM OF GOVERNMENT, &c.

WHEREAS allegiance and protection are in their nature reciprocal, and the one ſhould of right be refuſed when the other is withdrawn; and whereas George the Third, King of Great Britain, and late Sovereign of the Britiſh American Colonies, hath not only withdrawn from them his protection, but by an Act of the Britiſh Legiſlature declared the inhabitants of theſe States out of the protection of the Britiſh Crown, and all their property found upon the high ſeas liable to be ſeized and confiſcated to the uſes mentioned in the ſaid Act; and the ſaid George the Third has alſo ſent fleets and armies to proſecute a cruel war againſt them, for the purpoſe of reducing the inhabitants of the ſaid Colonies to a ſtate of abject ſlavery; in conſequence whereof, all government under the ſaid King within the ſaid Colonies hath ceaſed, and a total diſſolution of government in many of them hath taken

taken place: And whereas the Continental Congreſs, having conſidered the premiſes, and other previous violations of the rights of the good people of America, have therefore declared, that the thirteen United Colonies are of right wholly abſolved from all allegiance to the Britiſh Crown, or any other foreign juriſdiction whatſoever; and that the ſaid Colonies now are, and for ever ſhall be, free and independent States: Wherefore, in our preſent ſtate, in order to prevent anarchy and confuſion, it becomes neceſſary that government ſhould be eſtabliſhed in this State: Therefore we, the Repreſentatives of the freemen of North-Carolina, choſen and aſſembled in Congreſs, for the expreſs purpoſe of framing a Conſtitution, under the authority of the people, moſt conducive to their happineſs and proſperity, do declare, that a government for this State ſhall be eſtabliſhed in manner and form following, to wit:

I. That the legiſlative authority ſhall be veſted in two diſtinct branches, both dependent on the people, to wit, a SENATE, and HOUSE OF COMMONS.

II. That the Senate ſhall be compoſed of Repreſentatives annually choſen by ballot, one for each county in the State.

III. That

III. That the Houſe of Commons ſhall be compoſed of Repreſentatives annually choſen by ballot, two for each county, and one for each of the towns of Edentown, Newbern, Wilmington, Saliſbury, Hillſborough, and Hallifax.

IV. That the Senate and Houſe of Commons, aſſembled for the purpoſe of legiſlation, ſhall be denominated, THE GENERAL ASSEMBLY.

V. That each Member of the Senate ſhall have uſually reſided in the county in which he is choſen, for one year immediately preceding his election, and for the ſame time ſhall have poſſeſſed, and continue to poſſeſs, in the county which he repreſents, not leſs than three hundred acres of land in fee.

VI. That each Member of the Houſe of Commons ſhall have uſually reſided in the county in which he is choſen, for one year immediately preceding his election, and for ſix months ſhall have poſſeſſed, and continue to poſſeſs, in the county which he repreſents, not leſs than one hundred acres of land in fee, or for the term of his own life.

VII. That all freemen of the age of twenty-one years, who have been inhabitants of any one

one county within the State twelve months immediately preceding the day of any election, and poſſeſſed of a freehold within the ſame county of fifty acres of land for ſix months next before, and at the day of election, ſhall be entitled to vote for a Member of the Senate.

VIII. That all freemen of the age of twenty-one years, who have been inhabitants of any county within the State twelve months immediately preceding the day of any election, and ſhall have paid public taxes, ſhall be entitled to vote for Members of the Houſe of Commons, for the county in which he reſides.

IX. That all perſons poſſeſſed of a freehold in any town in this State having a right of repreſentation, and alſo all freemen who have been inhabitants of any ſuch town twelve months next before, and at the day of election, and ſhall have paid public taxes, ſhall be entitled to vote for a Member to repreſent ſuch town in the Houſe of Commons. Provided always, That this ſection ſhall not entitle any inhabitant of ſuch town to vote for Members of the Houſe of Commons for the county in which he may reſide, nor any freeholder in ſuch

ſuch county who reſides without or beyond the limits of ſuch town, to vote for a Member for ſaid town.

X. That the Senate and Houſe of Commons when met, ſhall each have power to chooſe a Speaker, and other their officers; be judges of the qualifications and elections of their Members; ſit upon their own adjournments from day to day; and prepare bills to be paſſed into laws. The two Houſes ſhall direct writs of election for ſupplying intermediate vacancies, and ſhall alſo jointly, by ballot, adjourn themſelves to any future day and place.

XI. That all bills ſhall be read three times in each Houſe before they paſs into laws, and be ſigned by the Speaker of both Houſes.

XII. That every perſon who ſhall be choſen a Member of the Senate or Houſe of Commons, or appointed to any office or place of truſt, before taking his ſeat, or entering upon the execution of his office, ſhall take an oath to the State, and all officers ſhall alſo take an oath of office.

XIII. That the General Aſſembly ſhall, by joint ballot of both Houſes, appoint Judges of the Supreme Courts of Law and Equity, Judges of

of Admiralty, and Attorney-general, who ſhall be commiſſioned by the Governor, and hold their offices during good behaviour.

XIV. That the Senate and Houſe of Commons ſhall have power to appoint the Generals and Field-Officers of the Militia, and all Officers of the regular Army of this State.

XV. That the Senate and Houſe of Commons, jointly, at their firſt meeting after each annual election, ſhall by ballot elect a Governor for one year, who ſhall not be eligible to that office longer than three years in ſix ſucceſſive years. That no perſon under thirty years of age, and who has not been a reſident in this State above five years, and having in the State a freehold in lands and tenements above the value of one thouſand pounds, ſhall be eligible as a Governor.

XVI. That the Senate and Houſe of Commons, jointly, at their firſt meeting after each annual election, ſhall by ballot elect ſeven perſons to be a Council of State for one year, who ſhall adviſe the Governor in the execution of his office, and that four Members ſhall be a Quorum. Their advice and proceedings ſhall be entered in a journal to be kept for that purpoſe only, and ſigned by the Members preſent, to

any

any part of which any Member preſent may enter his diſſent. And ſuch journals ſhall be laid before the General Aſſembly, when called for by them.

XVII. That there ſhall be a Seal of this State, which ſhall be kept by the Governor, and uſed by him as occaſion may require; and ſhall be called, *The Great Seal of the State of North-Carolina*, and be affixed to all grants and commiſſions.

XVIII. The Governor for the time being ſhall be Captain-General and Commander in Chief of the Militia; and in the receſs of the General Aſſembly ſhall have power, by and with the advice of the Council of State, to embody the Militia for the public ſafety.

XIX. That the Governor for the time being ſhall have power to draw for, and apply ſuch ſums of money as ſhall be voted by the General Aſſembly for the contingencies of Government, and be accountable to them for the ſame. He alſo may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at any one time, in the receſs of the General Aſſembly; and ſhall have the

the power of granting pardons and reprieves, except where the profecution ſhall be carried on by the General Aſſembly, or the law ſhall otherwiſe direct; in which caſe he may, in the receſs, grant a reprieve until the next ſitting of the General Aſſembly; and may exerciſe all the other executive powers of government, limited and reſtrained as by this Conſtitution is mentioned, and according to the laws of the State. And on his death, inability, or abſence from the State, the Speaker of the Senate for the time being; and in caſe of his death, inability, or abſence from the State, the Speaker of the Houſe of Commons ſhall exerciſe the powers of government, after ſuch death, or during ſuch abſence or inability, of the Governor, or Speaker of the Senate, or until a new nomination is made by the General Aſſembly.

XX. That in every caſe where any officer, the right of whoſe appointment is by this Conſtitution veſted in the General Aſſembly, ſhall during their receſs die, or his office by other means become vacant, the Governor ſhall have power, with the advice of the Council of State, to fill up ſuch vacancy by granting a temporary commiſſion, which ſhall expire at the end of the next ſeſſion of the General Aſſembly.

XXI. That the Governor, Judges of the Supreme Court of Law and Equity, Judges of Admiralty, and Attorney-general, ſhall have adequate ſalaries, during their continuance in office.

XXII. That the General Aſſembly ſhall, by joint ballot of both Houſes, annually appoint a Treaſurer or Treaſurers for this State.

XXIII. That the Governor and other officers offending againſt the State, by violating any part of this Conſtitution, mal-adminiſtration, or corruption, may be proſecuted on the impeachment of the General Aſſembly, or preſentment of the Grand Jury of any Court of Supreme Juriſdiction in this State.

XXIV. That the General Aſſembly ſhall, by joint ballot of both Houſes, triennially appoint a Secretary for this State.

XXV. That no perſons who heretofore have been, or hereafter may be receivers of public monies, ſhall have a ſeat in either Houſe of General Aſſembly, or be eligible to any office in this State, until ſuch perſon ſhall have fully accounted for, and paid into the Treaſury, all ſums for which they may be accountable and liable.

XXVI. That

XXVI. That no Treaſurer ſhall have a ſeat either in the Senate, Houſe of Commons, or Council of State, during his continuance in that office, or before he ſhall have finally ſettled his accounts with the public, for all the monies which may be in his hands, at the expiration of his office, belonging to the State, and hath paid the ſame into the hands of the ſucceeding Treaſurer.

XXVII. That no officer in the regular army or navy, in the ſervice and pay of the United States, of this or any other State, nor any contractor or agent for ſupplying ſuch army or navy with cloathing or proviſions, ſhall have a ſeat either in the Senate, Houſe of Commons, or Council of State, or be eligible thereto; and any Member of the Senate, Houſe of Commons, or Council of State, being appointed to, and accepting of ſuch office, ſhall thereby vacate his ſeat.

XXVIII. That no Member of the Council of State ſhall have a ſeat either in the Senate or Houſe of Commons.

XXIX. That no Judge of the Supreme Court of Law or Equity, or Judge of Admiral-

ty, shall have a seat in the Senate, House of Commons, or Council of State.

XXX. That no Secretary of this State, Attorney-general, or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

XXXI. That no Clergyman or Preacher of the Gospel, of any denomination, shall be capable of being a Member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function.

XXXII. That no person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority either of the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit, in the civil department within this State.

XXXIII. That the Justices of the Peace within their respective counties in this State, shall in future be recommended to the Governor for the time being, by the Representatives in General Assembly, and the Governor shall commission them accordingly; and the Justices, when

when ſo commiſſioned, ſhall hold their offices during good behaviour, and ſhall not be removed from office by the General Aſſembly, unleſs for miſbehaviour, abſence, or inability.

XXXIV. That there ſhall be no eſtabliſhment of any one religious church or denomination in this State in preference to any other; neither ſhall any perſon, on any pretence whatſoever, be compelled to attend any place of worſhip contrary to his own faith or judgement; nor be obliged to pay for the purchaſe of any glebe, or the building of any houſe of worſhip, or for the maintenance of any Miniſter or Miniſtry, contrary to what he believes right, or has voluntarily and perſonally engaged to perform; but all perſons ſhall be at liberty to exerciſe their own mode of worſhip. Provided, that nothing herein contained ſhall be conſtrued to exempt preachers of treaſonable or ſeditious diſcourſes from legal trial and puniſhment,

XXXV. That no perſon in the State ſhall hold more than one lucrative office at any one time. Provided, that no appointment in the

militia, or the office of a Juſtice of the Peace, ſhall be conſidered as a lucrative office.

XXXVI. That all commiſſions and grants ſhall run in the name of *The State of North-Carolina*, and bear teſt, and be ſigned by the Governor. All writs ſhall run in the ſame manner, and bear teſt, and be ſigned by the Clerks of the reſpective Courts. Indictments ſhall conclude, *Againſt the peace and dignity of the State*.

XXXVII. That the Delegates for this State to the Continental Congreſs, while neceſſary, ſhall be choſen annually by the General Aſſembly, by ballot, but may be ſuperſeded in the mean time in the ſame manner; and no perſon ſhall be elected to ſerve in that capacity for more than three years ſucceſſively.

XXXVIII. That there ſhall be a Sheriff, Coroner, or Coroners, and Conſtables, in each county within this State.

XXXIX. That the perſon of a debtor, where there is not a ſtrong preſumption of fraud, ſhall not be continued in priſon, after delivering up, *bonâ fide*, all his eſtate, real and perſonal, for the uſe of his creditors, in ſuch manner

ner as ſhall be hereafter regulated by law. All priſoners ſhall be bailable by ſufficient ſureties, unleſs for capital offences, when the proof is evident, or the preſumption great.

XL. That every foreigner who comes to ſettle in this State, having firſt taken an oath of allegiance to the ſame, may purchaſe, or by other juſt means acquire, hold and transfer land, or other real eſtate; and after one year's reſidence ſhall be deemed a free citizen.

XLI. That a ſchool or ſchools ſhall be eſtabliſhed by the legiſlature, for the convenient inſtruction of youth, with ſuch ſalaries to the maſters, paid by the public, as may enable them to inſtruct at low prices; and all uſeful learning ſhall be duly encouraged and promoted in one or more univerſities.

XLII. That no purchaſe of lands ſhall be made of the Indian natives, but on behalf of the public, by authority of the General Aſſembly.

XLIII. That the future legiſlature of this State ſhall regulate entails in ſuch a manner as to prevent perpetuities.

XLIV. That the Declaration of Rights is hereby declared to be part of the Conſtitution of this State, and ought never to be violated, on any pretence whatſoever.

XLV. That any Member of either Houſe of General Aſſembly ſhall have liberty to diſſent from, and proteſt againſt, any act or reſolve which he may think injurious to the public, or any individual, and have the reaſons of his diſſent entered on the Journals.

XLVI. That neither Houſe of the General Aſſembly ſhall proceed upon public buſineſs, unleſs a majority of all the Members of ſuch Houſe are actually preſent; and that upon a motion made and ſeconded, the yeas and nays upon any queſtion ſhall be taken and entered on the Journals; and that the Journals of the proceedings of both Houſes of the General Aſſembly ſhall be printed, and made public, immediately after their adjournment.

This Conſtitution is not intended to preclude the preſent Congreſs from making a temporary proviſion for the well-ordering of this State, until the General Aſſembly ſhall eſta-

bliſh

bliſh government agreeable to the mode herein before deſcribed.

RICHARD CASWELL, PRESIDENT.

December the eighteenth, one thouſand ſeven hundred and ſeventy-ſix, read the third time, and ratified in open Congreſs.

By Order,

JAMES GREEN, Jun. *Secretary.*

SOUTH-

SOUTH-CAROLINA.

AN

ACT

FOR ESTABLISHING THE

CONSTITUTION

OF THE

STATE OF SOUTH-CAROLINA,

PASSED THE NINETEENTH DAY OF MARCH, 1778.

WHEREAS the Conſtitution or Form of Government agreed to and reſolved upon by the Freemen of this country, met in Congreſs the 26th day of March, 1776, was temporary only, and ſuited to the ſituation of their public affairs at that period, looking forward to an accommodation with Great-Britain, an event then deſired: and whereas the United Colonies of America have been ſince conſtituted Independent States, and the political connexion heretofore ſubſiſting between them and Great-Britain entirely diſſolved, by the Declaration of the Honourable the Continental Congreſs, dated

dated the 4th day of July 1776, for the many great and weighty reaſons therein particularly ſet forth; it therefore becomes abſolutely neceſſary to frame a Conſtitution ſuitable to that great event: Be it therefore conſtituted and enacted, by his Excellency Rawlins Lowndes, Eſq. Preſident and Commander in Chief in and over the State of South-Carolina, by the Honourable the Legiſlative Council and General Aſſembly, and by the authority of the ſame, That the following articles agreed upon by the Freemen of this State, now met in General Aſſembly, be deemed and held the Conſtitution and Form of Government of the ſaid State, unleſs altered by the legiſlative authority thereof; which Conſtitution or Form of Government ſhall immediately take place and be of force from the paſſing of this Act, excepting ſuch parts as are hereafter mentioned and ſpecified.

I. That the ſtile of this country be hereafter, THE STATE OF SOUTH-CAROLINA.

II. That the legiſlative authority be veſted in a General Aſſembly, to conſiſt of two diſtinct bodies, a Senate and Houſe of Repreſentatives;

tatives; but that the legiſlature of this State, as eſtabliſhed by the Conſtitution or Form of Government paſſed the 26th of March 1776, ſhall continue and be in full force until the 29th day of November next enſuing.

III. That as ſoon as may be after the firſt meeting of the Senate and Houſe of Repreſentatives, and at every firſt meeting of the Senate and Houſe of Repreſentatives thereafter, to be elected by virtue of this Conſtitution, they ſhall, jointly, in the Houſe of Repreſentatives, chooſe by ballot, from among themſelves or from the people at large, a Governor and Commander in Chief, a Lieutenant-governor, both to continue for two years, and a Privy-council, all of the Proteſtant religion; and till ſuch choice ſhall be made, the former Preſident, or Governor and Commander in Chief, and Vice-preſident, or Lieutenant-governor, as the caſe may be, and Privy-council, ſhall continue to act as ſuch.

IV. That a Member of the Senate or Houſe of Repreſentatives, being choſen and acting as Governor and Commander in Chief, or Lieutenant-governor, ſhall vacate his ſeat, and another perſon ſhall be elected in his room.

V. That

V. That every perſon who ſhall be elected Governor and Commander in Chief of the State, or Lieutenant-governor, or a Member of the Privy-council, ſhall be qualified as followeth, that is to ſay, the Governor and Lieutenant-governor ſhall have been reſidents in this State for ten years, and the Members of the Privy-council five years, preceding their ſaid election; and ſhall have in this State a ſettled plantation or freehold, in their and each of their own right, of the value of at leaſt ten thouſand pounds currency, clear of debt; and on being elected, they ſhall reſpectively take an oath of qualification in the Houſe of Repreſentatives.

VI. That no future Governor and Commander in Chief who ſhall ſerve for two years, ſhall be eligible to ſerve in the ſaid office after the expiration of the ſaid term, until the full end and term of four years.

VII. That no perſon in this State ſhall hold the office of Governor thereof, or Lieutenant-governor, and any other office or commiſſion, civil or military, (except in the militia) either in this or any other State; or under the authority of the Continental Congreſs, at one and the ſame time.

VIII. That

VIII. That in case of the impeachment of the Governor and Commander in Chief, or his removal from office, death, resignation, or absence from the State, the Lieutenant-governor shall succeed to his office, and the Privy-council shall chuse, out of their own body, a Lieutenant-governor of the State. And in case of the impeachment of the Lieutenant-governor, or his removal from office, death, resignation, or absence from the State, one of the Privy-council, to be chosen by themselves, shall succeed to his office, until a nomination to those offices respectively, by the Senate and House of Representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent, was appointed.

IX. That the Privy-council shall consist of the Lieutenant-governor for the time being, and eight other Members, five of whom shall be a Quorum, to be chosen as before directed, four to serve for two years, and four for one year; and at the expiration of one year, four others shall be chosen in the room of the last four to serve for two years; and all future Members of the Privy-council shall thenceforward be elected to serve for two years, whereby there will

will be a new election every year for half of the Privy-council, and a constant rotation established; but no Member of the Privy-council who shall serve for two years, shall be eligible to serve therein after the expiration of the said term, until the full end and term of four years: Provided always, that no officer of the army or navy, in the service of the Continent or this State, nor Judge of any of the courts of law, shall be eligible; nor shall the father, son or brother of the Governor for the time being, be elected into the Privy-council during his administration. A Member of the Senate or House of Representatives, being chosen of the Privy-council, shall not thereby lose his seat in the Senate or House of Representatives, unless he be elected Lieutenant-governor, in which case he shall, and another person shall be chosen in his stead. The Privy-council is to advise the Governor and Commander in Chief, when required, but he shall not be bound to consult them unless directed by law. If a Member of the Privy-council shall die or depart the State, during the recess of the General Assembly, the Privy-council shall chuse another to act in his room, until a nomination by the Senate and House of Representatives shall take place. The

Clerk

Clerk of the Privy-council ſhall keep a regular journal of all their proceedings, in which ſhall be entered the yeas and nays on every queſtion, and the opinion, with the reaſons at large, of any Member who deſires it; which journal ſhall be laid before the legiſlature, when required by either Houſe.

X. That in caſe of the abſence from the ſeat of government, or ſickneſs of the Governor and the Lieutenant-governor, any one of the Privy-council may be empowered by the Governor, under his hand and ſeal, to act in his room; but ſuch appointment ſhall not vacate his ſeat in the Senate, Houſe of Repreſentatives, or Privy-council.

XI. That the executive authority be veſted in the Governor and Commander in Chief, in manner herein mentioned.

XII. That each pariſh and diſtrict throughout this State ſhall on the laſt Monday in November next, and the day following, and on the ſame days of every ſecond year thereafter, elect, by ballot, one Member of the Senate; except the diſtrict of St. Philip and St. Michael's pariſhes, Charleſtown, which ſhall elect two Members; and except alſo the diſtrict between Broad and Saludy Rivers, in three diviſions, viz. the Lower

Lower Diſtrict, Little River diſtrict, and Upper or Spartan diſtrict, each of which ſaid diviſions ſhall elect one Member; and except the pariſhes of St. Matthew and Orange, which ſhall elect one Member; and alſo except the pariſhes of Prince George and All Saints, which ſhall elect one Member. And the election of Senators for ſuch pariſhes reſpectively, ſhall, until otherwiſe altered by the legiſlature, be at the pariſh of Prince George, for the ſaid pariſh and the pariſh of All Saints, at the pariſh of St. Matthew, for that pariſh and the pariſh of Orange; to meet on the firſt Monday in January then next, at the ſeat of government, unleſs the caſualties of war or contagious diſorders ſhould render it unſafe to meet there; in which caſe the Governor and Commander in Chief for the time being may, by proclamation, with the advice and conſent of the Privy-council, appoint a more ſecure and convenient place of meeting; and to continue for two years, from the ſaid laſt Monday in November; and that no perſon ſhall be eligible to a ſeat in the ſaid Senate, unleſs he be of the Proteſtant religion, and hath attained the age of thirty years, and hath been a reſident in this State at leaſt five years. Not leſs than thirteen Members ſhall be a

Quorum to do buſineſs, but the Preſident or any three Members may adjourn from day to day. No perſon who reſides in the pariſh or diſtrict for which he is elected ſhall take his ſeat in the Senate, unleſs he poſſeſſes a ſettled eſtate and freehold, in his own right, in the ſaid pariſh or diſtrict, of the value of two thouſand pounds currency at leaſt, clear of debt; and no non-reſident ſhall be eligible to a ſeat in the ſaid Senate, unleſs he is owner of a ſettled eſtate and freehold, in his own right, in the pariſh or diſtrict where he is elected, of the value of ſeven thouſand pounds currency at leaſt, alſo clear of debt.

XIII. That on the laſt Monday in November next, and the day following, and on the ſame days of every ſecond year thereafter, Members of the Houſe of Repreſentatives ſhall be choſen, to meet on the firſt Monday in January then next, at the ſeat of government, unleſs the caſualties of war or contagious diſorders ſhould render it unſafe to meet there; in which caſe the Governor and Commander in Chief for the time being may, by proclamation, with the advice and conſent of the Privy-council, appoint a more ſecure and convenient place of meeting; and to continue for two years from the

the ſaid laſt Monday in November. Each pariſh and diſtrict within this State ſhall ſend Members to the General Aſſembly in the following proportions, that is to ſay,

The pariſh of St. Philip and St. Michael, Charleſtown, thirty Members.

The pariſh of Chriſt-Church, ſix Members.

The pariſh of St. John, in Berkley county, ſix Members.

The pariſh of St. Andrew, ſix Members.

The pariſh of St. George, Doreheſter, ſix Members.

The pariſh of St. James, Gooſe-Creek, ſix Members.

The pariſh of St. Thomas and St. Dennis, ſix Members.

The pariſh of St. Paul, ſix Members.

The pariſh of St. Bartholomew, ſix Members.

The pariſh of St. Helena, ſix Members.

The pariſh of St. James, Santee, ſix Members.

The pariſh of Prince George, Winyah, four Members.

The pariſh of All Saints, two Members.

The pariſh of Prince Frederick, ſix Members.

The pariſh of St. John, in Colleton county, ſix Members.

The parish of St. Peter, six Members.

The parish of Prince William, six Members.

The parish of St. Stephen, six Members.

The district to the eastward of Wateree river, ten Members.

The district of Ninety-Six, ten Members.

The district of Saxe-Gotha, six Members.

The district between Broad and Saludy Rivers, in three divisions, viz.

The Lower district, four Members.

The Little River district, four Members.

The Upper or Spartan district, four Members.

The district between Broad and Catawba Rivers, ten Members.

The district called the New Acquisition, ten Members.

The parish of St. Matthew, three Members.

The parish of Orange, three Members.

The parish of St. David, six Members.

The district between Savannah River and the north fork of Edisto, six Members.

And the election of the said Members shall be conducted, as near as may be, agreeable to the directions of the present or any future Election Act or Acts. And where there are no churches

churches or church-wardens in a diſtrict or paſiſh, the Houſe of Repreſentatives, at ſome convenient time before their expiration, ſhall appoint places of election, and perſons to receive votes and make returns. The qualification of electors ſhall be, that every free white man, and no other perſon, who acknowledges the being of a God, and believes in a future ſtate of rewards and puniſhments, and who has attained to the age of one-and-twenty years, and hath been a reſident and an inhabitant in this State for the ſpace of one whole year, before the day appointed for the election he offers to give his vote at, and hath a freehold at leaſt of fifty acres of land, or a town lot, and hath been legally ſeized and poſſeſſed of the ſame at leaſt ſix months previous to ſuch election, or hath paid a tax the preceding year, or was taxable the preſent year at leaſt ſix months previous to the ſaid election, in a ſum equal to the tax on fifty acres of land, to the ſupport of this Government, ſhall be deemed a perſon qualified to vote for, and ſhall be capable of electing a Repreſentative or Repreſentatives, to ſerve as a Member or Members in the Senate and Houſe of Repreſenta-

tives, for the parish or district where he actually is a resident, or in any other parish or district, in this State, where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer. No person shall be eligible to sit in the House of Representatives, unless he be of the Protestant religion, and hath been a resident in this State for three years previous to his election. The qualification of the elected, if residents in the parish or district for which they shall be returned, shall be the same as mentioned in the Election Act, and construed to mean clear of debt. But no non-resident shall be eligible to a seat in the House of Representatives, unless he is owner of a settled estate and freehold, in his own right, of the value of three thousand and five hundred pounds currency at least, clear of debt, in the parish or district for which he is elected.

XIV. That if any parish or district neglects or refuses to elect Members; or if the Members chosen do not meet in General Assembly; those who do meet shall have the powers of the General Assembly. Not less than sixty-nine Members shall make a House of Representatives

tives to do buſineſs; but the Speaker, or any ſeven Members may adjourn from day to day.

XV. That at the expiration of ſeven years after the paſſing of this Conſtitution, and at the end of every fourteen years thereafter, the Repreſentation of the whole State ſhall be proportioned in the moſt equal and juſt manner, according to the particular and comparative ſtrength, and taxable property, of the different parts of the ſame; regard being always had to the number of white inhabitants, and ſuch taxable property.

XVI. That all money-bills for the ſupport of Government ſhall originate in the Houſe of Repreſentatives; and ſhall not be altered or amended by the Senate, but may be rejected by them; and that no money be drawn out of the public treaſury, but by the legiſlative authority of the State. All other bills and ordinances may take riſe in the Senate or Houſe of Repreſentatives, and be altered, amended, or rejected by either. Acts and ordinances having paſſed the General Aſſembly, ſhall have the Great Seal affixed to them by a joint Committee of both Houſes, who ſhall wait upon the Governor to receive and return the

Seal; and ſhall then be ſigned by the Preſident of the Senate, and Speaker of the Houſe of Repreſentatives, in the Senate-Houſe, and ſhall thenceforth have the force and validity of a law, and be lodged in the Secretary's office. And the Senate and Houſe of Repreſentatives reſpectively, ſhall enjoy all other privileges which have at any time been claimed or exerciſed by the Commons Houſe of Aſſembly.

XVII. That neither the Senate nor Houſe of Repreſentatives ſhall have power to adjourn themſelves for any longer time than three days, without the mutual conſent of both. The Governor and Commander in Chief ſhall have no power to adjourn, prorogue, or diſſolve them, but may, if neceſſary, by and with the advice and conſent of the Privy-council, convene them before the time to which they ſhall ſtand adjourned. And where a bill hath been rejected by either Houſe, it ſhall not be brought in again that ſeſſion, without leave of the Houſe, and a notice of ſix days being previouſly given.

XVIII. That the Senate and Houſe of Repreſentatives ſhall each chuſe their reſpective officers by ballot, without controul. And that, during

during a recess, the President of the Senate, and Speaker of the House of Representatives, shall issue writs for filling up vacancies occasioned by death in their respective Houses, giving at least three weeks, and not more than thirty-five days previous notice of the time appointed for the election.

XIX. That if any parish or district shall neglect to elect a Member or Members, on the day of election; or in case any person chosen a Member of either House, shall refuse to qualify and take his seat as such, or die, or depart the State; the Senate or House of Representatives, as the case may be, shall appoint proper days for electing a Member or Members, in such cases respectively.

XX. That if any Member of the Senate or House of Representatives shall accept any place of emolument, or any commission (except in the militia, or the commission of the peace), and except as is excepted in the Tenth Article, he shall vacate his seat, and there shall thereupon be a new election; but he shall not be disqualified from serving upon being re-elected, unless he is appointed Secretary of the State, a Commissioner of the Treasury, an Officer

Officer of the Cuſtoms, Regiſter of meſne conveyances, a Clerk of either of the Courts of Juſtice, Sheriff, Powder-receiver, Clerk of the Senate, Houſe of Repreſentatives, or Privy-council, Surveyor-general or Commiſſary of military ſtores; which officers are hereby declared diſqualified from being Members either of the Senate or Houſe of Repreſentatives.

XXI. And whereas the Miniſters of the Goſpel are, by their profeſſion, dedicated to the ſervice of God and the cure of ſouls, and ought not to be diverted from the great duties of their function; therefore, no Miniſter of the Goſpel, or public preacher, of any religious perſuaſion, while he continues in the exerciſe of his paſtoral function, and for two years after, ſhall be eligible either as Governor, Lieutenant-governor, a Member of the Senate, Houſe of Repreſentatives, or Privy-council in this State.

XXII. That the Delegates to repreſent this State in the Congreſs of the United States, be choſen annually, by the Senate and Houſe of Repreſentatives, jointly, by ballot, in the Houſe of Repreſentatives. And nothing contained

in

in this Conſtitution ſhall be conſtrued to extend to vacate the ſeat of any Member who is or may be a Delegate from this State to Congreſs, as ſuch.

XXIII. That the form of impeaching all officers of the State, for mal and corrupt conduct in their reſpective offices, not amenable to any other juriſdiction, be veſted in the Houſe of Repreſentatives: but, that it ſhall always be neceſſary, that two-third parts of the Members preſent do conſent to, and agree in, ſuch impeachment. That the Senators and ſuch of the Judges of this State as are not Members of the Houſe of Repreſentatives, be a Court for the trial of impeachments, under ſuch regulations as the legiſlature ſhall eſtabliſh; and that, previous to the trial of every impeachment, the Members of the ſaid Court ſhall reſpectively be ſworn, truly and impartially to try and determine the charge in queſtion, according to evidence. And no judgment of the ſaid Court, except judgment of acquittal, ſhall be valid, unleſs it ſhall be aſſented to by two-third parts of the Members then preſent. And on every trial, as well on impeachments as others, the party accuſed ſhall be allowed Counſel.

XXIV. That

XXIV. That the Lieutenant-governor of the State, and a majority of the Privy-council, for the time being, ſhall, until otherwiſe altered by the legiſlature, exerciſe the powers of a Court of Chancery. And there ſhall be Ordinaries appointed in the ſeveral diſtricts in this State, to be choſen by the Senate and Houſe of Repreſentatives, jointly, by ballot, in the Houſe of Repreſentatives, who ſhall, within their reſpective diſtricts, exerciſe the powers heretofore exerciſed by the Ordinary: and until ſuch appointment is made, the preſent Ordinary, in Charleſtown, ſhall continue to exerciſe that office as heretofore.

XXV. That the juriſdiction of the Court of Admiralty be confined to maritime cauſes.

XXVI. That Juſtices of the Peace ſhall be nominated by the Senate and Houſe of Repreſentatives, jointly, and commiſſioned by the Governor and Commander in Chief during pleaſure. They ſhall be intitled to receive the fees heretofore eſtabliſhed by law; and not acting in the magiſtracy, they ſhall not be intitled to the privileges allowed to them by law.

XXVII. That all other judicial officers ſhall be choſen by ballot, jointly, by the Senate and

Houſe

Houſe of Repreſentatives, and, except the Judges of the Court of Chancery, commiſſioned by the Governor and Commander in Chief during good behaviour; but ſhall be removed on addreſs of the Senate and Houſe of Repreſentatives.

XXVIII. That the Sheriffs, qualified as by law directed, ſhall be choſen in like manner, by the Senate and Houſe of Repreſentatives, when the Governor, Lieutenant-governor, and Privy-council are choſen, and commiſſioned by the Governor and Commander in Chief for two years; and ſhall give ſecurity, as required by law, before they enter on the execution of their office. No Sheriff who ſhall have ſerved for two years, ſhall be eligible to ſerve in the ſaid office, after the expiration of the ſaid term, until the full end and term of four years, but ſhall continue in office until ſuch choice be made: nor ſhall any perſon be eligible as Sheriff, in any diſtrict, unleſs he ſhall have reſided therein for two years previous to the election.

XXIX. That two Commiſſioners of the Treaſury, the Secretary of the State, the Regiſters of meſne conveyances in each diſtrict, Attorney-

Attorney-general, Surveyor-general, Powder-receiver, Collectors and Comptrollers of the Cuſtoms, and Waiters, be choſen in like manner, by the Senate and Houſe of Repreſentatives, jointly, by ballot, in the Houſe of Repreſentatives, and commiſſioned by the Governor and Commander in Chief for two years. That none of the ſaid officers reſpectively, who ſhall have ſerved for four years, ſhall be eligible to ſerve in the ſaid offices after the expiration of the ſaid term, until the full end and term of four years, but ſhall continue in office until a new choice be made: provided, that nothing herein contained ſhall extend to the ſeveral perſons appointed to the above offices reſpectively, under the late Conſtitution. And that the preſent, and all future Commiſſioners of the Treaſury, and Powder-receivers, ſhall each give bond, with approved ſecurity, agreeable to law.

XXX. That all the officers in the army and navy of this State, of and above the rank of Captain, ſhall be choſen by the Senate and Houſe of Repreſentatives, jointly, by ballot, in the Houſe of Repreſentatives, and commiſ-

ſioned

ſioned by the Governor and Commander in Chief; and that all other officers in the army and navy of this State ſhall be commiſſioned by the Governor and Commander in Chief.

XXXI. That in caſe of vacancy in any of the offices above directed to be filled by the Senate and Houſe of Repreſentatives, the Governor and Commander in Chief, with the advice and conſent of the Privy-council, may appoint others in their ſtead, until there ſhall be an election by the Senate and Houſe of Repreſentatives to fill thoſe vacancies reſpectively.

XXXII. That the Governor and Commander in Chief, with the advice and conſent of the Privy-Council, may appoint, during pleaſure, until otherwiſe directed by law, all other neceſſary officers, except ſuch as are now by law directed to be otherwiſe choſen.

XXXIII. That the Governor and Commander in Chief ſhall have no power to commence war, or conclude peace, or enter into any final treaty, without the conſent of the Senate and Houſe of Repreſentatives.

XXXIV. That the reſolutions of the late Congreſſes of this State, and all laws now of force here

here (and not hereby altered), ſhall ſo continue, until altered or repealed by the legiſlature of this State, unleſs where they are temporary, in which caſe they ſhall expire at the times reſpectively limited for their duration.

XXXV. That the Governor and Commander in Chief for the time being, by and with the advice and conſent of the Privy-council, may lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the receſs of the General Aſſembly.

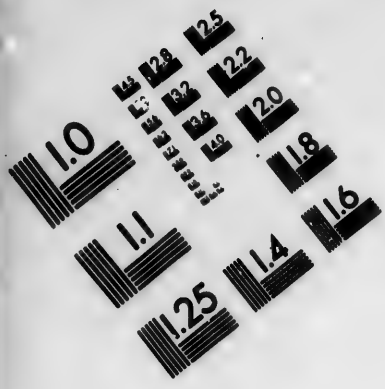
XXXVI. That all perſons who ſhall be choſen and appointed to any office, or to any place of truſt, civil or military, before entering upon the execution of office ſhall take the following oath:

"I, A. B. do acknowledge the State of South-Carolina to be a free, independent, and ſovereign State, and that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain. And I do renounce, refuſe, and abjure, any allegiance or obedience to him. And I do ſwear or affirm (as the caſe may be) that I will, to the utmoſt of my power, ſupport, maintain, and defend the

the ſaid State, againſt the ſaid King George the Third, and his heirs and ſucceſſors, and his or their abettors, aſſiſtants, and adherents, and will ſerve the ſaid State in the office of with fidelity and honour, and according to the beſt of my ſkill and underſtanding. So help me God."

XXXVII. That adequate yc y ſalaries be allowed to the public officers of this State, and be fixed by law.

XXXVIII. That all perſons and religious ſocieties who acknowledge that there is one God, and a future ſtate of rewards and puniſhments, and that God is publicly to be worſhipped, ſhall be freely tolerated. The Chriſtian Proteſtant religion ſhall be deemed, and is hereby conſtituted and declared to be the eſtabliſhed religion of this State. That all denominations of Chriſtian Proteſtants in this State, demeaning themſelves peaceably and faithfully, ſhall enjoy equal religious and civil privileges. To accompliſh this deſirable purpoſe, without injury to the religious property of thoſe Societies of Chriſtians which are by law already incorporated for the purpoſe of religious worſhip; and to put it fully into the



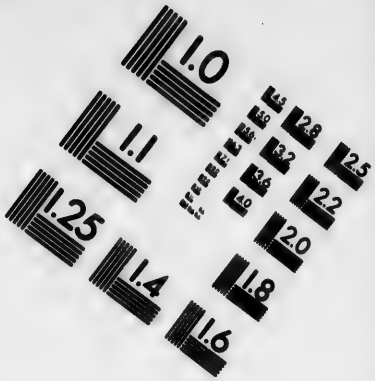
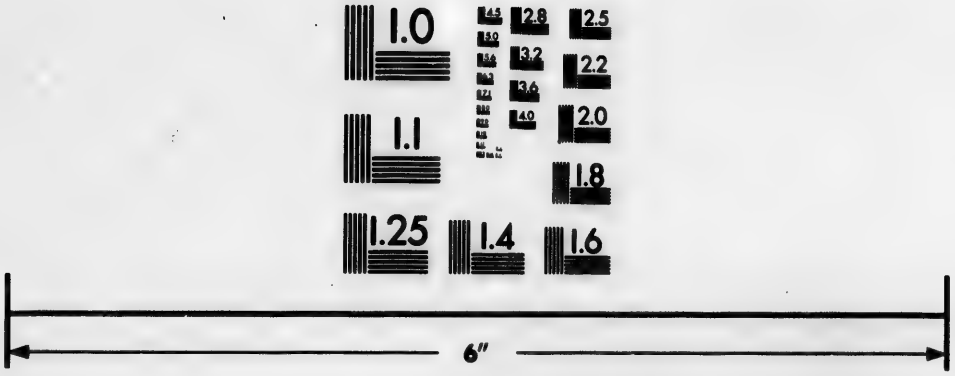


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

power of every other Society of Christian Protestants, either already formed, or hereafter to be formed, to obtain the like incorporation; it is hereby constituted, appointed, and declared, That the respective Societies of the Church of England that are already formed in this State for the purposes of religious worship, shall still continue incorporate, and hold the religious property now in their possession: and that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, agree to unite themselves in a Society for the purposes of religious worship, they shall (on complying with the terms herein after mentioned) be, and be constituted, a Church, and be esteemed and regarded in law as of the established religion of the State; and on a petition to the legislature, shall be intitled to be incorporated, and to enjoy equal privileges. That every Society of Christians so formed shall give themselves a name, or denomination, by which they shall be called and known in law; and all that associate with them for the purposes of worship, shall be esteemed as belonging to the Society so called; but that, previous to the establishment and incorporation

corporation of the reſpective Societies of every denomination as aforeſaid, and in order to intitle them thereto, each Society ſo petitioning ſhall have agreed to, and ſubſcribed, in a book, the following five articles, without which no agreement or union of men, upon pretence of religion, ſhall intitle them to be incorporated, and eſteemed as a Church of the eſtabliſhed religion of this State:

1. That there is one eternal God, and a future ſtate of rewards and puniſhments.

2. That God is publicly to be worſhipped.

3. That the Chriſtian religion is the true religion.

4. That the Holy Scriptures of the Old and New Teſtament are of divine inſpiration, and are the rule of faith and practice.

5. That it is lawful, and the duty of every man, being thereunto called by thoſe that govern, to bear witneſs to truth.

That every inhabitant of this State, when called to make an appeal to God as a witneſs to truth, ſhall be permitted to do it in that way which is moſt agreeable to the dictates of his own conſcience. And that the people of this State may for ever enjoy the right of electing

their own Paſtors or Clergy; and, at the ſame time, that the State may have ſufficient ſecurity for the due diſcharge of the paſtoral office by thoſe who ſhall be admitted to be Clergymen, no perſon ſhall officiate as Miniſter of any eſtabliſhed church, who ſhall not have been choſen by a majority of the Society to which he ſhall miniſter, or by perſons appointed by the ſaid majority to chooſe and procure a Miniſter for them, nor until the Miniſter ſo choſen and appointed ſhall have made and ſubſcribed the following declaration, over and above the aforeſaid five articles, viz.

"That he is determined, by God's grace, out of the Holy Scriptures to inſtruct the people committed to his charge, and to teach nothing (as required of neceſſity to eternal ſalvation) but that which he ſhall be perſuaded may be concluded and proved from the Scripture; that he will uſe both public and private admonitions, as well to the ſick as to the whole, within his cure, as need ſhall require, and occaſion ſhall be given; and that he will be diligent in prayers, and in reading of the Holy Scriptures, and in ſuch ſtudies as help to the knowledge of the ſame; that he will be diligent

gent to frame and fashion his own self and his family according to the doctrine of Christ; and to make both himself and them, as much as in him lieth, wholesome examples and patterns to the flock of Christ; that he will maintain and set forwards, as much as he can, quietness, peace, and love, among all people, and especially among those that are or shall be committed to his charge."

No person shall disturb or molest any religious assembly, nor shall use any reproachful, reviling, or abusive language against any Church; that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors and that profession which otherwise they might be brought to assent to. No person whatsoever shall speak any thing, in their religious assembly, irreverently or seditiously of the Government of this State. No person shall, by law, be obliged to pay towards the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support: but the churches, chapels, parsonages, glebes, and all other property, now belonging to any Societies

of the Church of England, or any other religious Societies, ſhall remain, and be ſecured to them for ever. The poor ſhall be ſupported, and elections managed, in the accuſtomed manner, until laws ſhall be provided to adjuſt thoſe matters in the moſt equitable way.

XXXIX. That the whole State ſhall, as ſoon as proper laws can be paſſed for thoſe purpoſes, be divided into diſtricts and counties, and county courts eſtabliſhed.

XL. That the penal laws, as heretofore uſed, ſhall be reformed, and puniſhments made, in ſome caſes, leſs ſanguinary, and, in general, more proportionate to the crime.

XLI. That no freeman of this State be taken, or impriſoned, or diſſeized of his freehold, liberties or privileges, or outlawed, or exiled, or in ay manner deſtroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

XLII. That the military be ſubordinate to the civil power of the State.

XLIII. That the liberty of the preſs be inviolably preſerved.

XLIV. That no part of this Conſtitution ſhall be altered without a notice of ninety days

days being previouſly given; nor ſhall any part of the ſame be changed without the conſent of a majority of the Members of the Senate and Houſe of Repreſentatives.

XLV. That the Senate and Houſe of Repreſentatives ſhall not proceed to the election of a Governor or Lieutenant-Governor, until there be a majority of both Houſes preſent.

In the COUNCIL-CHAMBER, the 19th day of March, 1778.

Aſſented to,

RAWLINS LOWNDES.

HUGH RUTLEDGE, *Speaker of the Legiſlative Council.*

THOMAS BEE, *Speaker of the General Aſſembly.*

In the GENERAL ASSEMBLY, the 19th day of March, 1778.

Publiſhed by Order of the Houſe,

PETER TIMOTHY, *C. G. A.*

GEORGIA.

THE CONSTITUTION OF THE STATE OF GEORGIA,

UNANIMOUSLY AGREED TO IN CONVENTION, THE FIFTH OF FEBRUARY, 1777.

WHEREAS the conduct of the legiſlature of Great-Britain for many years paſt has been ſo oppreſſive on the people of America, that of late years they have plainly declared and aſſerted a right to raiſe taxes upon the people of America, and to make laws to bind them in all caſes whatſoever, without their conſent; which conduct being repugnant to the common rights of mankind, hath obliged the Americans, as freemen, to oppoſe ſuch oppreſſive meaſures, and to aſſert the rights and privileges they are entitled to by the laws of nature and reaſon; and accordingly it hath been done by the general conſent of all the people of the States of New-Hampſhire, Maſſa-

Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, the Counties of Newcaſtle, Kent, and Suſſex on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, given by their Repreſentatives met together in General Congreſs in the city of Philadelphia.

And whereas it hath been recommended by the ſaid Congreſs, on the fifteenth of May laſt, to the reſpective Aſſemblies and Conventions of the United States where no government, ſufficient to the exigencies of their affairs, hath been hitherto eſtabliſhed, to adopt ſuch government as may, in the opinion of the Repreſentatives of the people, beſt conduce to the happineſs and ſafety of their Conſtituents in particular, and America in general:

And whereas the Independence of the United States of America has been alſo declared, on the fourth day of July, one thouſand ſeven hundred and ſeventy-ſix, by the ſaid Honourable Congreſs, and all political connection between them and the Crown of Great-Britain is in conſequence thereof diſſolved:

We, therefore, the Repreſentatives of the people, from whom all power originates, and

for

for whoſe benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State.

I. The legiſlative, executive, and judiciary departments ſhall be ſeparate and diſtinct, ſo that neither exerciſe the powers properly belonging to the other.

II. The legiſlature of this State ſhall be compoſed of the Repreſentatives of the people, as is herein after pointed out: and the Repreſentatives ſhall be elected yearly, and every year, on the firſt Tueſday in December; and the Repreſentatives ſo elected, ſhall meet the firſt Tueſday in January following, at Savannah, or any other place or places where the Houſe of Aſſembly for the time being ſhall direct.

On the firſt day of the meeting of the Repreſentatives ſo choſen, they ſhall proceed to the choice of a Governor, who ſhall be ſtiled *Honourable*; and of an Executive Council, by ballot, out of their own body; viz. two from each county, except thoſe counties which are not

not yet entitled to ſend ten Members. One of each county ſhall always attend where the Governor reſides, by monthly rotation, unleſs the Members of each county agree for a longer or ſhorter period: this is not intended to exclude either Member attending. The remaining number of Repreſentatives ſhall be called *The Houſe of Aſſembly*; and the majority of the Members of the ſaid Houſe ſhall have power to proceed on buſineſs.

III. It ſhall be an unalterable rule, that the Houſe of Aſſembly ſhall expire, and be at an end yearly and every year, on the day preceding the day of election mentioned in the foregoing rule.

IV. The Repreſentation ſhall be divided in the following manner: Ten Members for each county, as is herein after directed, excepting the county of Liberty, which contains three pariſhes, and that ſhall be allowed fourteen.

The ceded lands north of Ogeechie ſhall be one county, and known by the name of Wilkes.

The pariſh of St. Paul ſhall be another county, and known by the name of Richmond.

The

The parish of St. George shall be another county, and known by the name of Burke.

The parish of St. Matthew, and the upper part of St. Philip, above Canouchie, shall be another county, and known by the name of Effingham.

The parish of Christ-Church, and the lower part of St. Philip, below Canouchie, shall be another county, and known by the name of Chatham.

The parishes of St. John, St. Andrew, and St. James, shall be another county, and known by the name of Liberty.

The parishes of St. David and St. Patrick shall be another county, and known by the name of Glyn.

The parishes of St. Thomas and St. Mary shall be another county, and known by the name of Camden.

The port and town of Savannah shall be allowed four Members to represent their trade.

The port and town of Sunbury shall be allowed two Members to represent their trade.

V. The two counties of Glyn and Camden shall have one Representative each; and also they, and all other counties that may hereafter be

be laid out by the Houſe of Aſſembly, ſhall be under the following regulations, viz. At their firſt inſtitution, each county ſhall have one Member, provided the inhabitants of ſaid county ſhall have ten electors; and if thirty, they ſhall have two; if forty, three; if ſixty, four; if eighty, ſix; if an hundred and upwards, ten; at which time two Executive Councillors ſhall be choſen from them, as is directed for the other counties.

VI. The Repreſentatives ſhall be choſen out of the reſidents in each county who ſhall have reſided at leaſt twelve months in this State, and three months in the county where they ſhall be elected; except the freeholders of the counties of Glyn and Camden, who are in a ſtate of alarm, and who ſhall have the liberty of chuſing one Member each, as ſpecified in the articles of this Conſtitution, in any other county, until they have reſidents ſufficient to qualify them for more: and they ſhall be of the Proteſtant religion, and of the age of twenty-one years, and ſhall be poſſeſſed in their own right of two hundred and fifty acres of land, or ſome property to the amount of two hundred and fifty pounds.

VII. The

VII. The Houſe of Aſſembly ſhall have power to make ſuch laws and regulations as may be conducive to the good order and well-being of the State; provided ſuch laws and regulations be not repugnant to the true intent and meaning of any rule or regulation contained in this Conſtitution.

The Houſe of Aſſembly ſhall alſo have power to repeal all laws and ordinances they find injurious to the people: and the Houſe ſhall chuſe its own Speaker, appoint its own officers, ſettle its own rules of proceeding, and direct writs of election for ſupplying intermediate vacancies; and ſhall have power of adjournment to any time or times within the year.

VIII. All laws and ordinances ſhall be three times read, and each reading ſhall be on different and ſeparate days, except in caſes of great neceſſity and danger; and all laws and ordinances ſhall be ſent to the Executive Council, after the ſecond reading, for their peruſal and advice.

IX. Every male white inhabitant, of the age of twenty-one years, and poſſeſſed, in his own right, of ten pounds value, and liable to pay tax in this State, or beingof any mechanic trade, and who ſhall have been a reſident ſix months in this State,

State, shall have a right to vote at all elections for Representatives, or any other officers herein agreed to be chosen by the people at large; and every person having a right to vote at any election, shall vote by ballot personally.

X. No officer whatever shall serve any process, or give any other hindrance to any person entitled to vote, either in going to the place of election, or during the time of the said election, or on their returning home from such election; nor shall any military officer or soldier appear at any election in a military character, to the intent that all elections may be free and open.

XI. No person shall be entitled to more than one vote, which shall be given in the county where such person resides, except as before excepted; nor shall any person who holds any title of nobility, be entitled to a vote, or be capable of serving as a Representative, or hold any post of honour, profit, or trust, in this State, whilst such person claims his title of nobility; but if the person shall give up such distinction, in the manner as may be directed by any future legislature, then, and in such case, he shall be entitled to a vote, and represent, as

before

before directed, and enjoy all the other benefits of a free citizen.

XII. Every person absenting himself from an election, and who shall neglect to give in his or their ballot at such election, shall be subject to a penalty not exceeding five pounds; the mode of recovery, and also the appropriation thereof, to be pointed out and directed by Act of the legislature: provided nevertheless, that a reasonable excuse shall be admitted.

XIII. The manner of electing Representatives shall be by ballot, and shall be taken by two or more Justices of the Peace, in each county, who shall provide a convenient box for receiving the said ballots; and on closing the poll, the ballots shall be compared in public with the lists of voters that have been taken, and the majority immediately declared; a certificate of the same being given to the persons elected, and also a certificate returned to the House of Representatives.

XIV. Every person entitled to vote shall take the following oath or affirmation, if required, viz.

"I, A. B. do voluntarily and solemnly swear, or affirm (as the case may be), that I do owe true

true allegiance to this State, and will ſupport the Conſtitution thereof. So help me, God."

XV. Any five of the Repreſentatives elected, as before directed, being met, ſhall have power to adminiſter the following oath to each other; and they or any other Member, being ſo ſworn, ſhall in the Houſe adminiſter the oath to all other Members that attend, in order to qualify them to take their ſeats, viz.

"I, A. B. do ſolemnly ſwear, that I will bear true allegiance to the State of Georgia, and will truly perform the truſt repoſed in me; and that I will execute the ſame to the beſt of my knowledge, for the benefit of this State, and the ſupport of the Conſtitution thereof; and that I have obtained my election without fraud or bribe whatever. So help me, God."

XVI. The Continental Delegates ſhall be appointed annually by ballot, and ſhall have a right to ſit, debate, and vote, in the Houſe of Aſſembly, and be deemed a part thereof; ſubject, however, to the regulations contained in the twelfth article of the Confederation of the United States.

XVII. No perſon bearing any poſt of profit under this State, or any perſon bearing any military commiſſion under this or any other State, or

States, except Officers of the Militia, shall be elected a Representative. And if any Representative shall be appointed to any place of profit, or military commission, which he shall accept, his seat shall immediately become vacant, and he shall be incapable of re-election, whilst holding such office.

By this article it is not to be understood, that the office of a Justice of the Peace is a post of profit.

XVIII. No person shall hold more than one office of profit under this State, at one and the same time.

XIX. The Governor shall, with the advice of the Executive Council, exercise the executive powers of government, according to the laws of this State, and the Constitution thereof; save only in the case of pardons and remission of fines, which he shall in no instance grant; but he may reprieve a criminal, or suspend a fine, until the meeting of the Assembly, who may determine therein as they shall judge fit.

XX. The Governor, with the advice of the Executive Council, shall have power to call the House of Assembly together, upon any emergency,

gency, before the time which they ſtand adjourned to.

XXI. The Governor, with the advice of the Executive Council, ſhall fill up all intermediate vacancies that ſhall happen in offices till the next general election: and all commiſſions civil and military ſhall be iſſued by the Governor, under his hand, and the Great Seal of the State.

XXII. The Governor may preſide in the Executive Council at all times, except when they are taking into conſideration, and peruſing the laws and ordinances offered to them by the Houſe of Aſſembly.

XXIII. The Governor ſhall be choſen annually by ballot, and ſhall not be eligible to the ſaid office for more than one year out of three, nor ſhall he hold any military commiſſion under any other State or States.

The Governor ſhall reſide at ſuch place as the Houſe of Aſſembly for the time being ſhall appoint.

XXIV. The Governor's oath:

"I, A. B. elected Governor of the State of Georgia, by the Repreſentatives thereof, do ſolemnly promiſe and ſwear, that I will, during

the term of my appointment, to the beſt of my ſkill and judgement, execute the ſaid office faithfully and conſcientiouſly, according to law, without favour, affection, or partiality; that I will to the utmoſt of my power ſupport, maintain, and defend the State of Georgia, and the Conſtitution of the ſame; and uſe my utmoſt endeavours to protect the people thereof in the ſecure enjoyment of all their rights, franchiſes and privileges; and that the laws and ordinances of the State be duly obſerved, and that law and juſtice in mercy be executed in all judgments. And I do further ſolemnly promiſe and ſwear, that I will peaceably and quietly reſign the government to which I have been elected, at the period to which my continuance in the ſaid office is limited by the Conſtitution. And laſtly, I do alſo ſolemnly ſwear, that I have not accepted of the government, whereunto I am elected, contrary to the articles of this Conſtitution. So help me, God."

This oath to be adminiſtered to him by the Speaker of the Aſſembly.

The ſame oath to be adminiſtered by the Speaker to the Preſident of the Council.

No

No perſon ſhall be eligible to the office of Governor, who has not reſided three years in this State.

XXV. The Executive Council ſhall meet the day after their election, and proceed to the choice of a Preſident out of their own body; they ſhall have power to appoint their own officers, and ſettle their own rules of proceedings.

The Council ſhall always vote by counties, and not individually.

XXVI. Every Councillor, being preſent, ſhall have power of entering his proteſt againſt any meaſures in Council he has not conſented to, provided he does it within three days.

XXVII. During the ſitting of the Aſſembly, the whole of the Executive Council ſhall attend, unleſs prevented by ſickneſs, or ſome other urgent neceſſity; and in that caſe, a majority of the Council ſhall make a Board, to examine the laws and ordinances ſent them by the Houſe of Aſſembly; and all laws and ordinances ſent to the Council ſhall be returned in five days after, with their remarks thereon.

XXVIII. A Committee from the Council ſent with any propoſed amendments to any law or ordinance, ſhall deliver their reaſons

for ſuch propoſed amendments, ſitting and covered; the whole Houſe at that time, except the Speaker, uncovered.

XXIX. The Preſident of the Executive Council, in the abſence or ſickneſs of the Governor, ſhall exerciſe all the powers of the Governor.

XXX. When any affair that requires ſecrecy ſhall be laid before the Governor and the Executive Council, it ſhall be the duty of the Governor, and he is hereby obliged, to adminiſter the following oath, viz.

"I, A. B. do ſolemnly ſwear, that any buſineſs that ſhall be at this time communicated to the Council, I will not, in any manner whatever, either by ſpeaking, writing, or otherwiſe, reveal the ſame to any perſon whatever, until leave given by the Council, or when called upon by the Houſe of Aſſembly; and all this I ſwear without any reſervation whatever. So help me, God."

And the ſame oath ſhall be adminiſtered to the Secretary, and other officers neceſſary to carry the buſineſs into execution.

XXXI.

XXXI. The executive power ſhall exiſt, till renewed, as pointed out by the rules of this Conſtitution.

XXXII. In all tranſactions between the legiſlative and executive bodies, the ſame ſhall be communicated by meſſage, to be delivered from the legiſlative body to the Governor, or Executive Council, by a Committee; and from the Governor to the Houſe of Aſſembly, by the Secretary of the Council; and from the Executive Council, by a Committee of the ſaid Council.

XXXIII. The Governor for the time being ſhall be Captain-general and Commander in Chief over all the militia, and other military and naval forces, belonging to this State.

XXXIV. All militia commiſſions ſhall ſpecify, that the perſon commiſſioned ſhall continue during good behaviour.

XXXV. Every county in this State that has, or hereafter may have, two hundred and fifty men, and upwards, able to bear arms, ſhall be formed into a battalion; and when they become too numerous for one battalion, they ſhall be formed into more, by bill of the legiſlature; and thoſe counties that have a leſs

number than two hundred and fifty, shall be formed into independent companies.

XXXVI. There shall be established in each county a court, to be called a Superior Court, to be held twice in each year, on the first Tuesday in March, in the county of Chatham.

The second Tuesday in March, in the county of Effingham.

The third Tuesday in March, in the county of Burke.

The fourth Tuesday in March, in the county of Richmond.

The next Tuesday, in the county of Wilkes:

And Tuesday fortnight, in the county of Liberty.

The next Tuesday, in the county of Glyn:

And next Tuesday, in the county of Camden.

The like courts to commence in October, and continue as above.

XXXVII. All causes and matters of dispute between any parties residing in the same county, to be tried within the county.

XXXVIII. All matters of dispute between contending parties residing in different counties, shall be tried in the county where the defendant resides; except in cases of real estates, which

which ſhall be tried in the county where ſuch real eſtate lies.

XXXIX. All matters of breach of the peace, felony, murder, and treaſon againſt the State, to be tried in the county where the crime was committed. All matters of diſpute, both civil and criminal, in any county where there is not a ſufficient number of inhabitants to form a court, ſhall be tried in the next adjacent county where a court is held.

XL. All cauſes, of what nature ſoever, ſhall be tried in the Superior Court, except as hereafter mentioned; which court ſhall conſiſt of the Chief-juſtice, and three or more of the Juſtices reſiding in the county. In caſe of the abſence of the Chief-juſtice, the ſenior Juſtice on the bench ſhall act as Chief-juſtice, with the Clerk of the county, Attorney for the State, Sheriff, Coroner, Conſtable, and the jurors. And in caſe of the abſence of any of the aforementioned officers, the Juſtices on the bench to appoint others in their room *pro tempore*. And if any plaintiff or defendant in civil cauſes ſhall be diſſatisfied with the determination of the jury, then, and in that caſe, they ſhall be at liberty within three days to enter an appeal from that verdict, and demand a new trial by a ſpe-

a ſpecial jury, to be nominated as follows, viz. each party, plaintiff and defendant, ſhall chuſe ſix, ſix more names ſhall be taken indifferently out of a box provided for that purpoſe, the whole eighteen to be ſummoned, and their names to be put together into the box, and the firſt twelve that are drawn out, being preſent, ſhall be the ſpecial jury to try the cauſe, and from which there can be no appeal.

XLI. The jury ſhall be judges of the law, as well as of fact, and ſhall not be allowed to bring in a ſpecial verdict; but if all or any of the jury have any doubts concerning points of law, they ſhall apply to the bench, who ſhall each of them in rotation give their opinion.

XLII. The jury ſhall be ſworn to bring in a verdict according to law, and the opinion they entertain of the evidence; provided it be not repugnant to the rules and regulations contained in this Conſtitution.

XLIII. The ſpecial jury ſhall be ſworn to bring in a verdict according to law, and the opinion they entertained of the evidence, provided it be not repugnant to juſtice, equity and conſcience, and the rules and regulations contained

tained in this Conſtitution, of which they ſhall judge.

XLIV. Captures both by ſea and land to be tried in the county where ſuch ſhall be carried in: a ſpecial court to be called by the Chief-juſtice, or, in his abſence, by the then ſenior Juſtice in ſaid county, upon application of the captors or claimants, which cauſe ſhall be determined within the ſpace of ten days. The mode of proceeding and appeal ſhall be the ſame as in the Superior Courts, unleſs after the ſecond trial an appeal is made to the Continental Congreſs; and the diſtance of time between the firſt and ſecond trial ſhall not exceed fourteen days; and all maritime cauſes to be tried in like manner.

XLV. No grand-jury ſhall conſiſt of leſs than eighteen, and twelve may find a bill.

XLVI. That the Court of Conſcience be continued as heretofore practiſed, and that the juriſdiction thereof be extended to try cauſes not amounting to more than ten pounds.

XLVII. All executions exceeding five pounds, except in the caſe of a court merchant, ſhall be ſtayed until the firſt Monday in March; provided ſecurity be given for debts and coſts.

XLVIII. All

XLVIII. All the coſts attending any action in the Superior Court ſhall not exceed the ſum of three pounds, and that no cauſe be allowed to depend in the Superior Court longer than two terms.

XLIX. Every officer of the State ſhall be liable to be called to account by the Houſe of Aſſembly.

L. Every county ſhall keep the public records belonging to the ſame; and authenticated copies of the ſeveral records, now in the poſſeſſion of this State, ſhall be made out, and depoſited in that county to which they belong.

LI. Eſtates ſhall not be entailed; and when a perſon dies inteſtate, his or her eſtate ſhall be divided, according to the Act of diſtribution made in the reign of Charles the Second; unleſs otherwiſe altered by any future Act of the legiſlature.

LII. A Regiſter of Probates ſhall be appointed by the legiſlature in every county, for proving wills, and granting letters of adminiſtration.

LIII. All

LIII. All civil officers in each county ſhall be annually elected on the day of the general election, except Juſtices of the Peace, and Regiſters of Probates, who ſhall be appointed by the Houſe of Aſſembly.

LIV. Schools ſhall be erected in each county, and ſupported at the general expence of the State, as the legiſlature ſhall hereafter point out.

LV. A court-houſe and gaol ſhall be erected at the public expence in each county, where the preſent Convention, or the future legiſlature, ſhall point out and direct.

LVI. All perſons whatever ſhall have the free exerciſe of their religion, provided it be not repugnant to the peace and ſafety of the State; and ſhall not, unleſs by conſent, ſupport any teacher or teachers, except thoſe of their own profeſſion.

LVII. The Great Seal of the State ſhall have the following device: on one ſide a ſcroll, whereon ſhall be engraved, *The Conſtitution of the State of Georgia*, and the motto, *Pro bono publico*; on the other ſide an elegant houſe and other

other buildings, fields of corn, and meadows covered with ſheep and cattle; a river running thro' the ſame, with a ſhip under full ſail, and the motto, *Deus nobis hæc otia fecit.*

LVIII. No perſon ſhall be allowed to plead in the courts of law in this State, except thoſe who are authoriſed ſo to do by the Houſe of Aſſembly; and if any perſon ſo authoriſed ſhall be found guilty of mal-practice before the Houſe of Aſſembly, they ſhall have power to ſuſpend them. This is not intended to exclude any perſon from that inherent privilege of every freeman, the liberty to plead his own cauſe.

LIX. Exceſſive fines ſhall not be levied, nor exceſſive bail demanded.

LX. The principles of the Habeas Corpus Act ſhall be part of this Conſtitution.

LXI. Freedom of the preſs, and trial by jury, to remain inviolate forever.

LXII. No Clergyman, of any denomination, ſhall be allowed a ſeat in the legiſlature.

LXIII. No alteration ſhall be made in this Conſtitution without petitions from a majority of

of the counties, and the voters in each county within this State; at which time the Assembly shall order a Convention to be called for that purpose, specifying the alterations to be made, according to the petitions preferred to the Assembly by the majority of the counties as aforesaid.

END of the CONSTITUTIONS.

TREATIES

T

His MC

The TH

TREA

LOUIS,
and Nav
Greeting

THE Con
North-Amer
ſiding at P
us and our
correſponden
to conclude
merce : *W*
ſaid States
ing us to ac
and other go
repoſing entir
zeal and fid
loved Conrad
City of Straſ

TREATIES

BETWEEN

HIS MOST CHRISTIAN MAJESTY

AND

THE THIRTEEN UNITED STATES OF AMERICA.

TREATY *of* AMITY *and* COMMERCE.

LOUIS, *by the Grace of* GOD, King *of* France *and* Navarre, *to all who ſhall ſee theſe preſents, Greeting:*

THE Congreſs of the Thirteen United States of North-America having, by their Plenipotentiaries reſiding at Paris, notified their deſire to eſtabliſh with us and our States a good underſtanding and perfect correſpondence, and having for that purpoſe propoſed to conclude with us a Treaty of Amity and Commerce: *We having thought it our duty to give to the ſaid States a ſenſible proof of our affection, determining us to accept of their propoſals: For theſe cauſes, and other good conſiderations us thereunto moving, we, repoſing entire confidence in the abilities and experience, zeal and fidelity for our ſervice, of our dear and beloved* Conrad Alexander Gerard, *Royal Syndic of the City of Straſbourg, and Secretary of our Council of State,*

 have

have nominated, appointed, and commiſſioned, and by theſe preſents, ſigned with our hand, do nominate, appoint, and commiſſion him our Plenipotentiary, giving him power and ſpecial command for us and in our name, to agree upon, conclude and ſign with the Plenipotentiaries of the United States, equally furniſhed in due form with full powers, ſuch Treaty, Convention, and Articles of Commerce and Navigation as he ſhall think proper; willing that he act with the ſame authority as we might or could act, if we were perſonally preſent, and even as though he had more ſpecial command than what is herein contained; promiſing in good faith, and on the word of a King, to agree to, confirm, and eſtabliſh for ever, and to accompliſh and execute punctually, all that our ſaid dear and beloved Conrad Alexander Gerard *ſhall ſtipulate and ſign, by virtue of the preſent power, without contravening it in any manner, or ſuffering it to be contravened for any cauſe, or under any pretext whatſoever; and alſo to ratify the ſame in due form, and cauſe our ratification to be delivered and exchanged in the time that ſhall be agreed on. For ſuch is our pleaſure. In teſtimony whereof we have hereunto ſet our ſeal. Done at Verſailles this thirtieth day of January, in the year of our Lord one thouſand ſeven hundred and ſeventy-eight, and the fourth year of our reign.*

(Signed)

(L. S.) LOUIS.

(Underneath) By the King.

GRAVIER de VERGENNES.

THE

THE TREATY.

THE Moſt Chriſtian King, and the Thirteen United States of North America, *to wit*, New-Hampſhire, Maſſachuſett's-bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correſpondence and commerce which the two parties deſire to eſtabliſh between their reſpective countries, ſtates and ſubjects; his Moſt Chriſtian Majeſty and the ſaid United States have judged that the ſaid end could not be better obtained, than by taking for the baſis of their agreement the moſt perfect equality and reciprocity, and by carefully avoiding all thoſe burthenſome preferences which are uſually ſources of debate, embarraſſment, and diſcontent; by leaving alſo each party at liberty to make reſpecting navigation and commerce thoſe interior regulations which it ſhall find moſt convenient to itſelf,

and by founding the advantage of commerce ſolely upon reciprocal utility, and the juſt rules of free intercourſe; reſerving withal to each party the liberty of admitting, at its pleaſure, other nations to a participation of the ſame advantages. It is in the ſpirit of this intention, and to fulfil theſe views, that his ſaid Majeſty having named and appointed for his plenipotentiary *Conrad Alexander Gerard*, Royal Syndic of the city of Straſbourg, Secretary of his Majeſty's Council of State; and the United States on their part having fully empowered *Benjamin Franklin*, Deputy from the State of Pennſylvania to the General Congreſs, and Preſident to the convention of the ſaid State; *Silas Deane*, late Deputy from the State of Connecticut to the ſaid Congreſs; and *Arthur Lee*, Counſellor at Law: the ſaid reſpective Plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

ARTICLE I.

There ſhall be a firm, inviolable and univerſal peace, and a true and ſincere friendſhip, between the Moſt Chriſtian King, his heirs and ſucceſſors, and the United States of America,

rica, and the ſubjects of the Moſt Chriſtian King and of the ſaid States, and between the countries, iſlands, cities and towns ſituate under the juriſdiction of the Moſt Chriſtian King and of the ſaid United States, and the people and inhabitants of every degree, without exception of perſons or places, and the terms herein after mentioned ſhall be perpetual between the Moſt Chriſtian King, his heirs and ſucceſſors, and the ſaid United States.

ARTICLE II.

The Moſt Chriſtian King and the United States engage mutually not to grant any particular favour to other nations, in reſpect of commerce and navigation, which ſhall not immediately become common to the other party, who ſhall enjoy the ſame favour freely, if the conceſſion was freely made, or on allowing the ſame compenſation, if the conceſſion was conditional.

ARTICLE III.

The ſubjects of the Moſt Chriſtian King ſhall pay in the ports, havens, roads, countries, iſlands, cities or towns of the United States, or any of them, no other or greater duties or im-

poſts, of what nature ſoever they may be, or by what name ſoever called, than thoſe which the nations moſt favoured are or ſhall be obliged to pay; and they ſhall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in paſſing from one port in the ſaid States to another, or in going to and from the ſame, from and to any part of the world, which the ſaid nations do or ſhall enjoy.

ARTICLE IV.

The ſubjects, people and inhabitants of the ſaid United States, and each of them, ſhall not pay in the ports, havens, roads, iſlands, cities and places under the domination of his Moſt Chriſtian Majeſty in Europe, any other or greater duties or impoſts, of what nature ſoever they may be, or by what name ſoever called, than thoſe which the moſt favoured nations are or ſhall be obliged to pay; and they ſhall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in paſſing from one port in the ſaid dominions in Europe to another, or in going to and from the ſame, from

from and to any part of the world, which the ſaid nations do or ſhall enjoy.

ARTICLE V.

In the above exemption is particularly comprized the impoſition of one hundred ſous per ton, eſtabliſhed in France on foreign ſhips, unleſs when the ſhips of the United States ſhall load with the merchandize of France, for another port of the ſaid dominions; in which caſe the ſhips ſhall pay the duty above-mentioned, ſo long as other nations the moſt favoured ſhall be obliged to pay it; but it is underſtood, that the ſaid United States, or any of them, are at liberty, when they ſhall judge it proper, to eſtabliſh a duty equivalent in the ſame caſe.

ARTICLE VI.

The Moſt Chriſtian King ſhall endeavour, by all the means in his power, to protect and defend all veſſels and the effects belonging to the ſubjects, people or inhabitants of the ſaid United States, or any of them, being in his ports, havens or roads, or on the ſeas near his countries, iſlands, cities or towns; and to recover and reſtore to the right owners, their

agents or attornies, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of his Most Christian Majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people, or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force or violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the Most Christian King.

ARTICLE VII.

In like manner the said United States, and their ships of war sailing under their authority, shall protect and defend, conformably to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the Most Christian King, and use all their endeavours to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

ARTICLE

ARTICLE VIII.

The Moſt Chriſtian King will employ his good offices and interpoſitions with the King or Emperor of Morocco or Fez; the Regencies of Algiers, Tunis and Tripoly, or with any of them; and alſo with every other Prince, State or Power, of the coaſt of Barbary in Africa, and the ſubjects of the ſaid King, Emperor, States and Powers, and each of them, in order to provide as fully and efficaciouſly as poſſible for the benefit, conveniency and ſafety of the ſaid United States, and each of them, their ſubjects, people and inhabitants, and their veſſels and effects, againſt all violence, inſults, attacks or depredations, on the part of the ſaid Princes and States of Barbary, or their ſubjects.

ARTICLE IX.

The ſubjects, inhabitants, merchants, commanders of ſhips, maſters and mariners of the States, Provinces and Dominions of each party reſpectively, ſhall abſtain and forbear to fiſh in all places poſſeſſed, or which ſhall be poſſeſſed, by the other party; the Moſt Chriſtian King's ſubjects ſhall not fiſh in the havens, bays, creeks, roads, coaſts or places which the ſaid United States hold, or ſhall hereafter hold; and in like manner the ſubjects, people and

and inhabitants of the United States ſhall not fiſh in the havens, bays, creeks, roads, coaſts or places, which the Moſt Chriſtian King poſſeſſes, or ſhall hereafter poſſeſs; and if any ſhip or veſſel ſhall be found fiſhing contrary to the tenor of this treaty, the ſaid ſhip or veſſel with its lading, (proof being made thereof) ſhall be confiſcated: it is however underſtood, that the excluſion ſtipulated in the preſent article ſhall take place only ſo long and ſo far as the Moſt Chriſtian King or the United States ſhall not in this reſpect have granted an exemption to ſome other nation.

ARTICLE X.

The United States, their citizens and inhabitants, ſhall never diſturb the ſubjects of the Moſt Chriſtian King in the enjoyment and exerciſe of the right of fiſhing on the Banks of Newfoundland, nor in the indefinite and excluſive right which belongs to them on that part of the coaſt of that Iſland which is deſigned by the treaty of Utrecht, nor in the right relative to all and each of the Iſles which belong to his Moſt Chriſtian Majeſty, the whole conformable to the true ſenſe of the treaties of Utrecht and Paris.

ARTI-

ARTICLE XI.

The ſubjects and inhabitants of the ſaid United States, or any of them, ſhall not be reputed *aubains* in France, and conſequently ſhall be exempted from the *droit d'aubaine*, or other ſimilar duty, under what name ſoever: they may by teſtament, donation, or otherwiſe, diſpoſe of their goods, moveable and immoveable, in favour of ſuch perſons as to them ſhall ſeem good; and their heirs, ſubjects of the United States, reſiding whether in France or elſewhere, may ſucceed them, *ab inteſtat*, without being obliged to obtain letters of naturalization, and without having the effect of this conceſſion conteſted or impeded, under pretext of any rights or prerogatives of provinces, cities, or private perſons; and the ſaid heirs, whether ſuch by particular title, or *ab inteſtat*, ſhall be exempted from the duty called *droit de detraction*, or other duty of the ſame kind; ſaving nevertheleſs the local rights or duties, as much and as long as ſimilar ones are not eſtabliſhed by the United States, or any of them. The ſubjects of the Moſt Chriſtian King ſhall enjoy on their part, in all the dominions of the ſaid States, an entire and perfect reciprocity,

ciprocity, relative to the ſtipulations contained in the preſent article: but it is at the ſame time agreed, that its contents ſhall not affect the laws made, or that may be made hereafter in France, againſt emigrations, which ſhall remain in all their force and vigour; and the United States, on their part, or any of them, ſhall be at liberty to enact ſuch laws, relative to that matter, as to them ſhall ſeem proper.

ARTICLE XII.

The merchant-ſhips of either of the parties, which ſhall be making into a port belonging to the enemy of the other ally, and concerning whoſe voyage and the ſpecies of goods on board her there ſhall be juſt grounds of ſuſpicion, ſhall be obliged to exhibit, as well upon the high ſeas as in the ports and havens, not only her paſſports, but likewiſe certificates, expreſsly ſhewing that her goods are not of the number of thoſe which have been prohibited as contraband.

ARTICLE XIII.

If, by exhibiting of the above ſaid certificates, the other party diſcover there are any of thoſe ſorts of goods which are prohibited and declared contraband, and conſigned for a port

port under the obedience of his enemy, it ſhall not be lawful to break up the hatches of ſuch ſhip, or to open any cheſt, coffers, packs, caſks, or any other veſſel found therein, or to remove the ſmalleſt parcel of her goods, whether ſuch ſhip belong to the ſubjects of France or the inhabitants of the ſaid United States, unleſs the lading be brought on ſhore, in the preſence of the Officers of the Court of Admiralty, and an inventory thereof made; but there ſhall be no allowance to ſell, exchange, or alienate the ſame in any manner, until that after due and lawful proceſs ſhall have been had againſt ſuch prohibited goods, and the Court of Admiralty ſhall, by a ſentence pronounced, have confiſcated the ſame, ſaving always as well the ſhip itſelf, as any other goods found therein, which by this Treaty are to be eſteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much leſs ſhall they be confiſcated as lawful prize. But if not the whole cargo, but only part thereof ſhall conſiſt of prohibited or contraband goods, and the commander of the ſhip ſhall be ready and willing to deliver them to the captor

captor who has diſcovered them; in ſuch caſe the captor having received thoſe goods, ſhall forthwith diſcharge the ſhip, and not hinder her by any means freely to proſecute the voyage on which ſhe was bound. But in caſe the contraband merchandizes cannot be all received on board the veſſel of the captor, then the captor may, notwithſtanding the offer of delivering him the contraband goods, carry the veſſel into the neareſt port, agreeable to what is above directed.

ARTICLE 14.

On the contrary, it is agreed, that whatever ſhall be found to be laden by the ſubjects and inhabitants of either party, or any ſhip belonging to the enemies of the other, or to their ſubjects, the whole, although it be not of the ſort of prohibited goods, may be confiſcated in the ſame manner as if it belonged to the enemy, except ſuch goods and merchandize as were put on board ſuch ſhip before the declaration of war, or even after ſuch declaration, if ſo be it were done without knowledge of ſuch declaration; ſo that the goods of the ſubjects and people of either party, whether

whether they be of the nature of ſuch as are prohibited or otherwiſe, which, as is aforeſaid, were put on board any ſhip belonging to an enemy before the war, or after the declaration of the ſame, without the knowledge of it, ſhall no ways be liable to confiſcation, but ſhall well and truly be reſtored without delay to the proprietors demanding the ſame; but ſo as that if the ſaid merchandizes be contraband, it ſhall not be any ways lawful to carry them afterwards to any port belonging to the enemy. The two contracting parties agree, that the term of two months being paſſed after the declaration of war, their reſpective ſubjects, from whatever part of the world they come, ſhall not plead the ignorance mentioned in this article.

ARTICLE XV.

And that more effectual care may be taken for the ſecurity of the ſubjects and inhabitants of both parties, that they ſuffer no injury by the men of war or privateers of the other party, all the commanders of the ſhips of his Moſt Chriſtian Majeſty and of the ſaid United States, and all their ſubjects and inhabitants, ſhall be forbid

forbid doing any injury or damage to the other ſide; and if they act to the contrary they ſhall be puniſhed, and ſhall moreover be bound to make ſatisfaction for all matter of damage, and the intereſt thereof, by reparation, under the pain and obligation of their perſons and goods.

ARTICLE XVI.

All ſhips and merchandize of what nature ſoever, which ſhall be reſcued out of the hands of any pirates or robbers on the high ſeas, ſhall be brought into ſome port of either State, and ſhall be delivered to the cuſtody of the officers of that port, in order to be reſtored entire to the true proprietor, as ſoon as due and ſufficient proof ſhall be made concerning the property thereof.

ARTICLE XVII.

It ſhall be lawful for the ſhips of war of either party, and privateers, freely to carry whitherſoever they pleaſe the ſhips and goods taken from their enemies, without being obliged to pay any duty to the officers of the Admiralty, or any other judges; nor ſhall ſuch prizes be arreſted or ſeized when they come to and enter the port of each party; nor ſhall the ſearchers

or

or other officers of thoſe places ſearch the ſame, or make examination concerning the lawfulneſs of ſuch prizes; but they may hoiſt ſail at any time, and depart, and carry their prizes to the places expreſſed in their commiſſions, which the commanders of ſuch ſhips of war ſhall be obliged to ſhew. On the contrary, no ſhelter or refuge ſhall be given in their ports to ſuch as ſhall have made prizes of the ſubjects, people, or property of either of the parties; but if ſuch ſhall come in, being forced by ſtreſs of weather, or the danger of the ſea, all proper means ſhall be vigorouſly uſed, that they go out and retire from thence as ſoon as poſſible.

ARTICLE XVIII.

If any ſhip belonging to either of the parties, their people, or ſubjects, ſhall within the coaſts or dominions of the other, ſtick upon the ſands, or be wrecked or ſuffer any other damage, all friendly aſſiſtance and relief ſhall be given to the perſons ſhipwrecked, or ſuch as ſhall be in danger thereof. And letters of ſafe-conduct ſhall likewiſe be given to them for their free and quiet paſſage from thence, and the return of every one to his own country.

ARTICLE XIX.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and convenience of their voyage, and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XX.

For the better promoting of commerce on both sides, it is agreed, that if a war should break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns

towns where they live, for selling and transporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XXI.

No subject of the Most Christian King shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States or any of them, or against the subjects, people, or inhabitants of the said United States or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of the Most Christian King, or any of them, or the property of any of the inhabitants of any of them, from any Prince or State with which the United States shall be at war; nor shall any citizen, subject, or inhabitant of the said

United States, or any of them, apply for or take any commiſſion or letters of marque for arming any ſhip or ſhips to act as privateers againſt the ſubjects of the Moſt Chriſtian King, or any of them, or the property of any of them, from any Prince or State with which the ſaid King ſhall be at war; and if any perſon of either nation ſhall take ſuch commiſſion or letters of marque, he ſhall be puniſhed as a pirate.

ARTICLE XXII.

It ſhall not be lawful for any foreign privateers, not belonging to the ſubjects of the Moſt Chriſtian King, nor citizens of the ſaid United States, who have commiſſion from any other Prince or State at enmity with either nation, to fit their ſhips in the ports of either the one or the other of the aforeſaid parties, to ſell what they have taken, or in any other manner whatſoever to exchange their ſhips, merchandizes, or any other lading; neither ſhall they be allowed even to purchaſe victuals, except ſuch as ſhall be neceſſary for their going to the next port of that Prince or State from which they have commiſſions.

ARTICLE

ARTICLE XXIII.

It ſhall be lawful for all and ſingular the ſubjects of the Moſt Chriſtian King, and the citizens, people, and inhabitants of the ſaid United States, to ſail with their ſhips with all manner of liberty and ſecurity, no diſtinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of thoſe who now are or hereafter ſhall be at enmity with the Moſt Chriſtian King or the United States. It ſhall likewiſe be lawful for the ſubjects and inhabitants aforeſaid to ſail with the ſhips and merchandizes aforementioned, and to trade with the ſame liberty and ſecurity from the places, ports, and havens of thoſe who are enemies of both or either party, without any oppoſition or diſturbance whatſoever, not only directly from the places of the enemy aforementioned to neutral places, but alſo from one place belonging to an enemy to another place belonging to an enemy, whether they be under the juriſdiction of the ſame prince or under ſeveral. And it is hereby ſtipulated, that free ſhips ſhall alſo have a freedom to carry goods, and that every thing ſhall be deemed free and exempt which ſhall be found on board the ſhips belonging

to the ſubjects of either of the confederates, although the whole lading or any part thereof ſhould appertain to the enemies of either, contraband goods being always excepted. It is alſo agreed in like manner, that the ſame liberty be extended to perſons who are on board a free ſhip, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ſhip, unleſs they are ſoldiers and in actual ſervice of the enemies.

ARTICLE XXIV.

This liberty of navigation and commerce ſhall extend to all kinds of merchandizes, except thoſe only which are diſtinguiſhed by the name of contraband; and under this name of contraband or prohibited goods ſhall be comprehended arms, great guns, bombs with their fuſes and other things belonging to them, cannon ball, gun-powder, match, pikes, ſwords, lances, ſpears, halberds, mortars, petards, grenadoes, ſalt-petre, muſkets, muſket-ball, bucklers, helmets, breaſt-plates, coats of mail, and the like kinds of arms proper for arming ſoldiers, muſket reſts, belts, horſes with their furniture, and all other warlike inſtruments whatever. Theſe merchandizes which follow

follow ſhall not be reckoned among contraband or prohibited goods; that is to ſay, all ſorts of clothes, and all other manufactures woven of any wool, flax, ſilk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the ſpecies whereof they are uſed to be made, gold and ſilver, as well coined as uncoined, tin, iron, latten, copper, braſs, coals; as alſo wheat and barley, and any other kind of corn or pulſe, tobacco, and likewiſe all manner of ſpices, ſalted and ſmoaked fleſh, ſalted fiſh, cheeſe and butter, beer, oils, wines, ſugars, and all ſorts of ſalts, and in general all proviſions which ſerve for the nouriſhment of mankind and the ſuſtenance of life: furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, ſails, ſail-cloth, anchors, and any parts of anchors, alſo ſhips maſts, planks, boards and beams of what trees ſoever, and all other things proper either for building or repairing ſhips, and all other goods whatever which have not been worked into the form of any inſtrument or thing prepared for war by land or ſea, ſhall not be reputed contraband, much leſs ſuch as have been al-

ready wrought up for any other uſe; all of which ſhall be wholly reckoned among free goods; as likewiſe all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods, ſo that they may be tranſported and carried in the freeſt manner by the ſubjects of both confederates even to places belonging to an enemy, ſuch towns or places being only excepted as are at that time beſieged, blocked up or inveſted.

ARTICLE XXV.

To the end that all manner of diſſentions and quarrels may be avoided and prevented on one ſide and the other, it is agreed, that in caſe either of the parties hereto ſhould be engaged in war, the ſhips and veſſels belonging to the ſubjects or people of the other ally muſt be furniſhed with ſea letters or paſſports, expreſſing the name, property and bulk of the ſhip, as alſo the name and place of habitation of the maſter or commander of the ſaid ſhip, that it may appear thereby that the ſhip really and truly belongs to the ſubjects of one of the parties, which paſſport ſhall be made out and granted according

cording to the form annexed to this Treaty; they ſhall likewiſe be recalled every year, that is, if the ſhip happens to return home within the ſpace of a year: it is likewiſe agreed, that ſuch ſhips being laden are to be provided not only with paſſports as above mentioned, but alſo with certificates, containing the ſeveral particulars of the cargo, the place whence the ſhip ſailed, and whither ſhe is bound, that ſo it may be known whether any forbidden or contraband goods be on board of the ſame, which certificates ſhall be made out by the officers of the place whence the ſhip ſet ſail, in the accuſtomed form; and if any one ſhall think it fit or adviſable to expreſs in the ſaid certificates the perſon to whom the goods on board belong, he may freely do ſo.

ARTICLE XXVI.

The ſhips of the ſubjects and inhabitants of either of the parties coming upon any coaſt belonging to either of the ſaid allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they ſhall be treated according to the general rules preſcribed

or

or to be preſcribed relative to the object in queſtion.

ARTICLE XXVII.

If the ſhips of the ſaid ſubjects, people or inhabitants of either of the parties ſhall be met with, either ſailing along the coaſts or on the high ſeas, by any ſhip of war of the other, or by any privateers, the ſaid ſhips of war or privateers, for the avoiding of any diſorder, ſhall remain out of cannon ſhot, and may ſend their boats on board the merchant ſhip which they ſhall ſo meet with, and may enter her to the number of two or three men only, to whom the maſter or commander of ſuch ſhip or veſſel ſhall exhibit his paſſport concerning the property of the ſhip, made out according to the form inſerted in this preſent Treaty; and the ſhip, when ſhe ſhall have ſhewed ſuch paſſport, ſhall be free and at liberty to purſue her voyage, ſo as it ſhall not be lawful to moleſt or ſearch in any manner, or to give her chace, or to force her to quit her intended courſe.

ARTICLE XXVIII.

It is alſo agreed, that all goods, when once put on board the ſhips or veſſels of either of the two contracting parties, ſhall be ſubject to

no

no further viſitation, but all viſitation or ſearch ſhall be made before-hand, and all prohibited goods ſhall be ſtopped on the ſpot before the ſame be put on board, unleſs there are manifeſt tokens or proofs of fraudulent practice; nor ſhall either the perſons or goods of the ſubjects of his Moſt Chriſtian Majeſty, or the United States, be put under any arreſt or moleſted by any other kind of embargo for that cauſe, and only the ſubject of that State to whom the ſaid goods have been or ſhall be prohibited, and who ſhall preſume to ſell or alienate ſuch ſort of goods, ſhall be duly puniſhed for the offence.

ARTICLE XXIX.

The two contracting parties grant mutually the liberty of having each in the ports of the other conſuls, vice-conſuls, agents and commiſſaries, whoſe functions ſhall be regulated by a particular agreement.

ARTICLE XXX.

And the more to favour and facilitate the commerce which the ſubjects of the United States may have with France, the moſt Chriſtian King will grant them in Europe one or more free ports, where they may bring and diſpoſe of all the produce and merchandize of the Thirteen

ween United States; and his Majeſty will alſo continue to the ſubjects of the ſaid States, the free ports which have been and are open in the French iſlands of America, of all which free ports the ſaid ſubjects of the United States ſhall enjoy the uſe, agreeable to the regulations which relate to them.

ARTICLE XXXI.

The preſent Treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner, if poſſible.

IN FAITH WHEREOF the reſpective Plenipotentiaries have ſigned the above articles both in the French and Engliſh languages; declaring, nevertheleſs, that the preſent Treaty was originally compoſed and concluded in the French language, and they have thereto affixed their ſeals.

DONE at PARIS, *this Sixth Day of February, One Thouſand Seven Hundred and Seventy-Eight.*

(L. S.) *C. A. GERARD.*
(L. S.) *B. FRANKLIN.*
(L. S.) *SILAS DEANE.*
(L. S.) *ARTHUR LEE.*

Form

Form of the Paſſports and Letters which are to be given to the Ships and Barques according to the Twenty-fifth Article of this Treaty.

To all who ſhall ſee theſe preſents, Greeting.

IT is hereby made known, that leave and permiſſion has been given to
maſter and commander of the ſhip called
of the town of
burthen tons or thereabouts, lying at preſent in the port and haven of
and bound for and laden with
after that this ſhip has been viſited, and before ſailing, he ſhall make oath before the officers who have the juriſdiction of maritime affairs, that the ſaid ſhip belongs to one or more of the ſubjects of the act whereof ſhall be put at the end of theſe preſents; as likewiſe that he will keep and cauſe to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a liſt, ſigned and witneſſed, containing the names and ſirnames, the places of birth and abode of the crew of his ſhip, and of all who ſhall

ſhall embark on board her, whom he ſhall not take on board without the knowledge and permiſſion of the Officers of the Marine; and in every port or haven where he ſhall enter with his ſhip, he ſhall ſhew his preſent leave to the Officers and Judges of the Marine; and ſhall give a faithful account to them of what paſſed and was done during his voyage; and he ſhall carry the colours, arms and enſign of the King or United States during his voyage. In witneſs whereof we have ſigned theſe preſents, and put the ſeal of our arms thereunto, and cauſed the ſame to be counterſigned by at the day of Anno Domini

TREATY

TREATY OF ALLIANCE,

EVENTUAL and DEFENSIVE.

LOUIS, *by the Grace of* GOD, King *of* France *and* Navarre,

To all who ſhall ſee theſe preſents, Greeting:

THE *Congreſs of the United States of North-America having by their Plenipotentiaries reſiding in France, propoſed to form with us a defenſive and eventual alliance: Willing to give the ſaid States an efficacious proof of the intereſt we take in their proſperity, we have determined to conclude the ſaid alliance. For theſe cauſes, and other good conſiderations thereto moving, We, repoſing entire confidence in the capacity and experience, zeal and fidelity for our ſervice, of our dear and beloved* Conrad Alexander Gerard, *Royal Syndic of the City of Straſbourg, Secretary of our Council of State, have nominated, commiſſioned and deputed, and by theſe preſents, ſigned with our hand, do nominate, commiſſion and depute him our Plenipotentiary, giving him power and ſpecial command to act in this quality, and confer, negociate, treat and agree conjointly with the abovementioned Plenipotentiaries of the United States, inveſted in the like*

like manner with powers in due form, to determine, conclude and ſign ſuch articles, conditions, conventions, declarations, definitive treaty, and any other acts whatever, as he ſhall judge proper to anſwer the end which we propoſe; promiſing on the faith and word of a King, to agree to, confirm and eſtabliſh for ever, to accompliſh and execute punctually, whatever our ſaid dear and beloved Conrad Alexander Gerard *ſhall have ſtipulated and ſigned in virtue of the preſent power, without ever contravening it, or ſuffering it to be contravened for any cauſe and under any pretext whatever; as likewiſe to cauſe our letters of ratification to be made in due form, and to have them delivered in order to be exchanged at the time that ſhall be agreed upon. For ſuch is our pleaſure. In teſtimony whereof We have ſet our ſeal to theſe preſents. Given at Verſailles, the thirtieth day of the month January, in the year of grace one thouſand ſeven hundred and ſeventy-eight, and the fourth of our reign.*

(Signed)

(L. S.) LOUIS.

By the King,

GRAVIER de VERGENNES.

THE

THE TREATY.

THE Moſt Chriſtian King and the United States of North America, *to wit*, New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New York, New Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, and Georgia, having this day concluded a Treaty of Amity and Commerce, for the reciprocal advantage of their ſubjects and citizens, have thought it neceſſary to take into conſideration the means of ſtrengthening thoſe engagements, and of rendering them uſeful to the ſafety and tranquility of the two parties; particularly in caſe Great Britain, in reſentment of that connection, and of the good correſpondence which is the object of the ſaid treaty, ſhould break the peace with France, either by direct hoſtilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace ſubſiſting between the two Crowns. And his Majeſty and the ſaid United States having reſolved in that

caſe to join their councils and efforts againſt the enterprizes of their common enemy;

The reſpective Plenipotentiaries impowered to concert the clauſes and conditions proper to fulfil the ſaid intentions, have, after the moſt mature deliberation, concluded and determined on the following articles.

ARTICLE I.

IF war ſhould break out between France and Great-Britain during the continuance of the preſent war between the United States and England, his Majeſty and the ſaid United States ſhall make it a common cauſe, and aid each other mutually with their good offices, their councils, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ARTICLE II.

The eſſential and direct end of the preſent defenſive alliance is, to maintain effectually the liberty, ſovereignty, and independence, abſolute and unlimited, of the ſaid United States, as well in matters of government as of commerce.

ARTICLE III.

The two contracting parties ſhall, each on its own part, and in the manner it may judge

moſt

moſt proper, make all the efforts in its power againſt their common enemy, in order to attain the end propoſed.

ARTICLE IV.

The contracting parties agree, that in caſe either of them ſhould form any particular enterprize in which the concurrence of the other may be deſired, the party whoſe concurrence is deſired, ſhall readily and with good faith join to act in concert for that purpoſe, as far as circumſtances and its own particular ſituation will permit; and in that caſe, they ſhall regulate by a particular convention, the quantity and kind of ſuccour to be furniſhed, and the time and manner of its being brought into action, as well as the advantages which are to be its compenſation.

ARTICLE V.

If the United States ſhould think fit to attempt the reduction of the Britiſh power remaining in the northern parts of America, or the Iſlands of Bermudas, thoſe countries or iſlands, in caſe of ſucceſs, ſhall be confederated with, or dependent upon, the ſaid United States.

ARTICLE VI.

The Moſt Chriſtian King renounces for ever the poſſeſſion of the Iſlands of Bermudas, as well as of any part of the Continent of North-America, which before the Treaty of Paris, in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great-Britain, or to the United States, heretofore called Britiſh Colonies, or which are at this time, or have lately been, under the power of the King and Crown of Great-Britain.

ARTICLE VII.

If his Moſt Chriſtian Majeſty ſhall think proper to attack any of the iſlands ſituated in the Gulph of Mexico, or near that Gulph, which are at preſent under the power of Great-Britain, all the ſaid iſles, in caſe of ſucceſs, ſhall appertain to the Crown of France.

ARTICLE VIII.

Neither of the two parties ſhall conclude either truce or peace with Great-Britain, without the formal conſent of the other firſt obtained; and they mutually engage not to lay down their arms, until the independence of the United States ſhall have been formally or tacitly aſſured,

assured, by the treaty or treaties that shall terminate the war.

ARTICLE IX.

The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present Treaty of Alliance, according to its own power and circumstances, there shall be no after-claim of compensation, on one side or the other, whatever may be the event of the war.

ARTICLE X.

The Most Christian King and the United States agree to invite or admit other powers, who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

ARTICLE XI.

The two parties guarantee mutually from the present time and for ever, against all other powers, *to wit*, the United States to his Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of

peace; and his Moſt Chriſtian Majeſty guarantees on his part to the United States, their liberty, ſovereignty, and independence, abſolute and unlimited, as well in matters of government as commerce, and alſo their poſſeſſions, and the additions or conqueſts that their confederation may obtain during the war, from any of the dominions now or heretofore poſſeſſed by Great-Britain in North-America, conformable to the 5th and 6th articles above written; the whole as their poſſeſſion ſhall be fixed and aſſured to the ſaid States, at the moment of the ceſſation of their preſent war with England.

ARTICLE XII.

In order to fix more preciſely the ſenſe and application of the preceding article, the contracting parties declare, that in caſe of a rupture between France and England, the reciprocal guarantee declared in the ſaid article ſhall have its full force and effect, the moment ſuch war ſhall break out: and if ſuch rupture ſhall not take place, the mutual obligations of the ſaid guarantee ſhall not commence until the moment of the ceſſation of the preſent war, between the United States and England, ſhall have aſcertained their poſſeſſions.

ARTICLE

ARTICLE XIII.

The preſent treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner, if poſſible.

In Faith whereof the reſpective Plenipotentiaries, *to wit*, on the part of the Moſt Chriſtian King, *Conrad Alexander Gerard*, Royal Syndic of the City of Straſbourg, and Secretary of his Majeſty's Council of State; and on the part of the United States, *Benjamin Franklin*, Deputy to the General Congreſs from the State of Pennſylvania, and Preſident of the Convention of ſaid State; *Silas Deane*, heretofore Deputy from the State of Connecticut; and *Arthur Lee*, Counſellor at Law, have ſigned the above Articles both in the French and Engliſh languages; declaring, nevertheleſs, that the preſent Treaty was originally compoſed and concluded in the French language, and they have hereunto affixed their ſeals.

DONE at PARIS, *this sixth day of February, one thousand seven hundred and seventy-eight.*

(L. S.) C. A. GERARD.

(L. S.) B. FRANKLIN.

(L. S.) SILAS DEANE.

(L. S.) ARTHUR LEE.

FINIS.

APPENDIX.

APPENDIX

A

TREATY

OF

AMITY AND COMMERCE

BETWEEN THEIR

HIGH MIGHTINESSES THE STATES-GENERAL

OF THE

UNITED NETHERLANDS,

AND THE

UNITED STATES OF AMERICA,

(TO WIT)

NEW HAMPSHIRE, MASSACHUSSETTS, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

THEIR High Mightineſſes the States-General of the United Netherlands, and the United States of America, to wit, New Hampſhire, Maſſachuſetts, Rhode Iſland and Providence Plantations, Connecticut, New York, New Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, deſiring to aſcertain, in a permanent and equitable manner, the rules to be obſerved relative to the commerce and correſpondence which they intend to eſtabliſh between their reſpective States, countries and inhabitants, have judged, that the ſaid end cannot be better obtained, than by eſtabliſhing the moſt perfect equality and reciprocity for the baſis of their agreement, and by avoiding all thoſe burthenſome preferences, which

are

are uſually the ſources of debate, embarraſſment and diſcontent; by leaving alſo each party at liberty to make, reſpecting commerce and navigation, ſuch ulterior regulations, as it ſhall find moſt convenient to itſelf; and by founding the advantages of commerce ſolely upon reciprocal utility, and the juſt rules of free intercourſe; reſerving withal to each party, the liberty of admitting, at its pleaſure, other nations to a participation of the ſame advantages.

On theſe principles, their ſaid High Mightineſſes the States General of the United Netherlands have named for their plenipotentiaries, from the midſt of their aſſembly, Meſſieurs their Deputies for the foreign affairs; and the ſaid United States of America, on their part, have furniſhed with full powers, Mr. John Adams, late Commiſſioner of the United States of America at the court of Verſailles, heretofore Delegate in Congreſs from the State of Maſſachuſetts-Bay, and Chief Juſtice of the ſaid State, who have agreed and concluded as follows: to wit,

ARTICLE I.

There ſhall be a firm, inviolable, and univerſal peace and ſincere friendſhip between their High Mightineſſes the Lords the States General of the United Netherlands and the United States of America, and between the ſubjects and inhabitants of the ſaid parties, and between the countries, iſlands, cities, and places ſituated under the juriſdiction of the ſaid United Netherlands and the ſaid United States of America, their ſubjects and inhabitants of every degree, without exception of perſons or places.

ARTICLE II.

The ſubjects of the ſaid States General of the United Netherlands ſhall pay in the ports, havens, roads, countries, iſlands, cities or places of the United

United States of America, or any of them, no other nor greater duties or impoſts, of whatever nature or denomination they may be, than thoſe which the nations the moſt favoured are or ſhall be obliged to pay: and they ſhall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation, and commerce, which the ſaid nations do, or ſhall enjoy, whether in paſſing from one port to another in the ſaid States, or in going from any of thoſe ports to any foreign port of the world, or from any foreign port of the world to any of thoſe ports.

ARTICLE III.

The ſubjects and inhabitants of the ſaid United States of America ſhall pay in the ports, havens, roads, countries, iſlands, cities or places of the ſaid United Netherlands, or any of them, no other, nor greater duties or impoſts, of whatever nature or denomination they may be, than thoſe which the nations the moſt favoured are or ſhall be obliged to pay: and they ſhall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation, and commerce, which the ſaid nations do, or ſhall enjoy, whether in paſſing from one port to another in the ſaid States, or from any one towards any one of thoſe ports, from or to any foreign port of the world. And the United States of America, with their ſubjects and inhabitants, ſhall leave to thoſe of their High Mightineſſes, the peaceable enjoyment of their rights in the countries, iſlands, and ſeas, in the Eaſt and Weſt Indies, without any hindrance or moleſtation.

ARTICLE IV.

There ſhall be an entire and perfect liberty of conſcience allowed to the ſubjects and inhabitants of each party, and to their families: and no one ſhall be moleſted in regard to his worſhip, provided he ſubmits, as to the public demonſtration of it, to the laws of

of the country. There shall be given moreover liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying-places, or in decent and convenient grounds, to be appointed for that purpose, as occasion shall require. And the dead bodies of those who are buried, shall not in any wise be molested: and the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates, in cases of deaths, in which they shall be interested.

ARTICLE V.

Their High Mightinesses the States General of the United Netherlands, and the United States of America, shall endeavour, by all the means in their power, to defend and protect all vessels and other effects belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea; and to recover, and cause to be restored to the true proprietors, their agents, or attornies, all such vessels and effects which shall be taken under their jurisdiction: and their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course, or follow the same route: and they shall defend such vessels, as long as they shall hold the same course, or follow the same route, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the

the veſſels belonging to their own reſpective ſubjects.

ARTICLE VI.

The ſubjects of the contracting parties may, on one ſide and on the other, in the reſpective countries and ſtates, diſpoſe of their effects by teſtament, donation, or otherwiſe; and their heirs, ſubjects of one of the parties, and reſiding in the country of the other, or elſewhere, ſhall receive ſuch ſucceſſions, even *ab inteſtato*, whether in perſon or by their attorney, or ſubſtitute, even although they ſhall not have obtained letters of naturalization, without having the effect of *ſuch commiſſion* conteſted under pretext of any rights or prerogatives of any province, city, or private perſon: and if the heirs, to whom ſuch ſucceſſions may have fallen, ſhall be minors, the tutors, or curators, eſtabliſhed by the judge domiciliary, of the ſaid minors may govern, direct, adminiſter, ſell, and alienate the effects fallen to the ſaid minors by inheritance; and in general, in relation to the ſaid ſucceſſions and effects, uſe all the rights and fulfil all the functions which belong, by the diſpoſition of the laws, to guardians, tutors, and curators; provided, nevertheleſs, that this diſpoſition cannot take place, but in caſes where the teſtator ſhall not have named guardians, tutors, curators by teſtament, codicil, or other legal inſtrument.

ARTICLE VII.

It ſhall be lawful and free for the ſubjects of each party to employ ſuch advocates, attornies, notaries, ſolicitors, or factors, as they ſhall judge proper.

ARTICLE VIII.

Merchants, maſters and owners of ſhips, mariners, men of all kinds, ſhips and veſſels, and all merchandizes and goods in general, and effects, of

one

one of the confederates, or of the ſubjects thereof, ſhall not be ſeized or detained in any of the countries, lands, iſlands, cities, places, ports, ſhores, or dominions whatſoever of the other confederate, for any military expedition, public or private uſe of any one, by arreſts, violence, or any colour thereof; much leſs ſhall it be permitted to the ſubjects of either party to take, or extort by force, any thing from the ſubjects of the other party, without the conſent of the owner; which, however, is not to be underſtood of ſeizures, detentions, and arreſts, which ſhall be made by the command and authority of juſtice, and by the ordinary methods, on account of debts or crimes, in reſpect whereof the proceedings muſt be by way of law, according to the forms of juſtice.

ARTICLE IX.

It is further agreed and concluded, that it ſhall be wholly free for all merchants, commanders of ſhips, and other ſubjects and inhabitants of the contracting parties, in every place ſubjected to the juriſdiction of the two powers reſpectively, to manage, themſelves, their own buſineſs: and moreover, as to the uſe of interpreters, or brokers, as alſo in relation to the loading or unloading of their veſſels, and every thing which has relation thereto, they ſhall be, on one ſide and on the other, conſidered and treated upon the footing of natural ſubjects, or, at leaſt, upon an equality with the moſt favoured nation.

ARTICLE X.

The merchant ſhips of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally. They ſhall, nevertheleſs, beheld, whenever it ſhall be required, to exhibit, as well upon the high ſeas as in the ports, their ſea-letters, and other documents, deſcribed in the

the twenty-fifth article, ſtating expreſly that their effects are not of the number of thoſe which are prohibited as contraband. And not having any contraband goods for an enemy's port, they may freely and without hindrance purſue their voyage towards the port of an enemy. Nevertheleſs, it ſhall not be required to examine the papers of veſſels convoyed by veſſels of war, but credence ſhall be given to the word of the officer who ſhall conduct the convoy.

ARTICLE XI.

If by exhibiting the ſea-letters and other documents deſcribed more particularly in the twenty-fifth article of this treaty, the other party ſhall diſcover there are any of thoſe ſorts of goods which are declared prohibited and contraband, and that they are conſigned for a port under the obedience of his enemy; it ſhall not be lawful to break up the hatches of ſuch ſhip, nor to open any cheſt, coffer, packs, caſks, or other veſſels found therein, or to remove the ſmalleſt parcel of her goods, whether the ſaid veſſel belongs to the ſubjects of their High Mightineſſes the States General of the United Netherlands, or to the ſubjects or inhabitants of the ſaid United States of America, unleſs the lading be brought on ſhore in preſence of the officers of the Court of Admiralty, and an inventory thereof made; but there ſhall be no allowance to ſell, exchange or alienate the ſame, until after that due and lawful proceſs ſhall have been had againſt ſuch prohibited goods of contraband, and the Court of Admiralty, by a ſentence pronounced, ſhall have confiſcated the ſame; ſaving always as well the ſhip itſelf, as any other goods found therein, which are to be eſteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much leſs ſhall they be confiſcated as lawful prize. But on the contrary, when, by the viſitation

at land, it ſhall be found, that there are no contraband goods in the veſſel, and it ſhall not appear by the papers, that he who has taken and carried in the veſſel, has been able to diſcover any there, he ought to be condemned in all the charges, damages, and intereſts of them, which he ſhall have cauſed, both to the owners of veſſels, and to the owners and freighters of cargoes, with which they ſhall be loaded, by his temerity in taking and carrying them in; declaring moſt expreſly the free veſſels ſhall aſſure the liberty of the effects with which they ſhall be loaded, and that this liberty ſhall extend itſelf equally to the perſons who ſhall be found in a free veſſel, who may not be taken out of her, unleſs they are military men, actually in the ſervice of an enemy.

ARTICLE XII.

On the contrary, it is agreed, that whatever ſhall be found to be laden by the ſubjects and inhabitants of either party, on any ſhip belonging to the enemies of the other, or to their ſubjects, although it be not comprehended under the ſort of prohibited goods, the whole may be confiſcated in the ſame manner as if it belonged to the enemy; except, nevertheleſs, ſuch effects and merchandizes as were put on board ſuch veſſel before the declaration of war, or in the ſpace of ſix months after it; which effects ſhall not be in any manner ſubject to confiſcation, but ſhall be faithfully and without delay reſtored in nature to the owners, who ſhall claim them, or cauſe them to be claimed, before the confiſcation and ſale; as alſo their proceeds, if he claim could not be made but in the ſpace of eight months after the ſale, which ought to be public: provided, nevertheleſs, that if the ſaid merchandizes are contraband, it ſhall by no means be lawful to tranſport them afterwards to any port belonging to enemies.

AR-

ARTICLE XIII.

And that more effectual care may be taken for the ſecurity of ſubjects and people of either party, that they do not ſuffer moleſtation from the veſſels of war, or privateers of the other party; it ſhall be forbidden to all commanders of veſſels of war, and other armed veſſels of the ſaid States General of the United Netherlands, and the ſaid United States of America, as well as to all their officers, ſubjects and people, to give any offence, or do any damage to thoſe of the other party: and if they act to the contrary, they ſhall be, upon the firſt complaint which ſhall be made of it, being found guilty, after a juſt examination, puniſhed by their proper judges; and moreover, obliged to make ſatisfaction for all damages and intereſt thereof, by reparation, under pain and obligation of their perſons and goods.

ARTICLE XIV.

For further determining of what has been ſaid, all captains of privateers, or fitters-out of veſſels armed for war, under commiſſion, and on account of private perſons, ſhall be held before their departure, to give ſufficient caution before competent judges, either to be entirely reſponſible for the malverſations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers againſt the preſent treaty, and againſt the ordinances and edicts which ſhall be publiſhed in conſequence of, and in conformity to it, under pain of forfeiture and nullity of the ſaid commiſſions.

ARTICLE XV.

All veſſels and merchandizes, of whatſoever nature, which ſhall be reſcued out of the hands of any pirates, or robbers, navigating the high ſeas without requiſite commiſſions, ſhall be brought into ſome port of one of the two States, and depoſited in the hands of the officers of that port, in order to

be reſtored entire to the true proprietor, as ſoon as due and ſufficient proofs ſhall be made concerning the property thereof.

ARTICLE XVI.

If any ſhips or veſſels, belonging to either of the parties, their ſubjects or people, ſhall, within the coaſts or dominions of the other, ſtick upon the ſands, or be wrecked, or ſuffer any other ſea damage, all friendly aſſiſtance and relief ſhall be given to the perſons ſhipwrecked, or ſuch as ſhall be in danger thereof; and the veſſels, effects, and merchandizes, or the part of them which ſhall have been ſaved, or the proceeds of them, if, being periſhable, they ſhall have been ſold, being claimed within a year and a day by the maſters or owners, or their agents or attornies, ſhall be reſtored, paying only the reaſonable charges, and that which muſt be paid in the ſame caſe for the ſalvage by the proper ſubjects of the country. There ſhall alſo be delivered them ſafe-conducts or paſſports for their free and ſafe paſſage from thence, and to return each one to his own country.

ARTICLE XVII.

In caſe the ſubjects or people of either party, with their ſhipping, whether public and of war, or private and of merchants, be forced through ſtreſs of weather, purſuit of pirates or enemies, or any other urgent neceſſity for ſeeking of ſhelter and harbour, to retreat and enter into any of the rivers, creeks, bays, ports, roads, or ſhores, belonging to the other party, they ſhall be received with all humanity and kindneſs, and enjoy all friendly protection and help; and they ſhall be permitted to refreſh and provide themſelves at reaſonable rates with victuals, and all things needful for the ſuſtenance of their perſons, or reparation of their ſhips; and they ſhall no ways be detained or hindered from returning out of the ſaid ports or roads, but

but may remove and depart, when and whither they pleaſe, without any lett or hindrance.

ARTICLE XVIII.

For the better promoting of commerce on both ſides, it is agreed, that if a war ſhould break out between their High Mightineſſes the States General of the United Netherlands and the United States of America, there ſhall always be granted to the ſubjects on each ſide, the term of nine months, after the date of the rupture, or the proclamation of war, to the end that they may retire with their effects, and tranſport them where they pleaſe; which it ſhall be lawful for them to do, as well as to ſell or tranſport their effects and goods in all freedom, and without any hindrance, and without being able to proceed, during the ſaid term of nine months, to any arreſt of their effects, much leſs of their perſons; on the contrary, there ſhall be given them, for their veſſels and their effects which they would carry away, paſſports and ſafe-conducts for the neareſt ports of their reſpective countries, and for the time neceſſary for the voyage. And no prize, made at ſea, ſhall be adjudged lawful, at leaſt, if the declaration of war was not, or could not be known in the laſt port which the veſſel taken has quitted. But for whatever may have been taken from the ſubjects and inhabitants of either party, and for the offences which may have been given them in the interval of the ſaid terms, a compleat ſatisfaction ſhall be given them.

ARTICLE XIX.

No ſubject of their High Mightineſſes the States General of the United Netherlands ſhall apply for, or take any commiſſion, or letters of marque, for arming any ſhip or ſhips, to act as privateers againſt the ſaid United States of America, or any of them, or the ſubjects and inhabitants of the ſaid United States, or any of them, or againſt

the property of the inhabitants of any of them, from any prince or ſtate with which the ſaid United States of America may happen to be at war: nor ſhall any ſubject or inhabitant of the ſaid United States of America, or any of them, apply for, or take any commiſſion, or letters of marque, for arming any ſhip or ſhips, to act as privateers againſt the High and Mighty Lords the States General of the United Netherlands, or againſt the ſubjects of their High Mightineſſes, or any of them, or againſt the property of any one of them, from any prince or ſtate with which their High Mightineſſes may be at war. And if any perſon of either nation ſhall take ſuch commiſſion, or letters of marque, he ſhall be puniſhed as a pirate.

ARTICLE XX.

If the veſſels of the ſubjects or inhabitants of one of the parties come upon any coaſt belonging to either of the ſaid allies, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes, or break bulk, or take in any cargo, they ſhall not be obliged to pay neither for the veſſels, nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at leaſt if there is not juſt cauſe to preſume, that they carry to an enemy merchandizes of contraband.

ARTICLE XXI.

The two contracting parties grant to each other, mutually, the liberty of having, each in the ports of the other, conſuls, vice-conſuls, agents and commiſſaries of their own appointing, whoſe functions ſhall be regulated by particular agreements, whenever either party chuſes to make ſuch appointments.

ARTICLE XXII.

This treaty ſhall not be underſtood in any manner

ner to derogate from the ninth, tenth, nineteenth and twenty-fourth articles of the treaty with France, as they were numbered in the ſame treaty concluded the 6th of February 1778, and which make the articles ninth, tenth, ſeventeenth, and twenty-ſecond of the treaty of commerce now ſubſiſting between the United States of America and the Crown of France: nor ſhall it hinder his Catholic Majeſty from acceding to that treaty, and enjoying the advantages of the ſaid four articles.

ARTICLE XXIII.

If at any time the United States of America ſhall judge neceſſary to commence negociations with the king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis or Tripoli, or with any of them, to obtain paſſports for the ſecurity of their navigation in the Mediterranean ſea, their High Mightineſſes promiſe, that upon the requiſition which the United States of America ſhall make of it, they will ſecond ſuch negociations in the moſt favourable manner, by means of their conſuls reſiding near the ſaid king, emperor, and regencies.

ARTICLE XXIV.

CONTRABAND.

The liberty of navigation and commerce ſhall extend to all ſorts of merchandizes, excepting only thoſe which are diſtinguiſhed under the name of contraband, or merchandizes prohibited: and under this denomination of contraband, and merchandizes prohibited, ſhall be comprehended only warlike ſtores and arms, as mortars, artillery, with their artifices and appurtenances, fuſils, piſtols, bombs, grenades, gun-powder, ſaltpetre, ſulphur, match, bullets and balls, pikes, ſabres, lances, halberts, caſques, cuiraſſes, and other ſorts of arms; as alſo, ſoldiers, horſes, ſaddles, and furniture for

horſes. All other effects and merchandizes, not before ſpecified expreſsly, and even all ſorts of naval matters, however proper they may be for the conſtruction and equipment of veſſels of war, or for the manufacture of one or another ſort of machines of war, by land or ſea, ſhall not be judged contraband, neither by the letter, nor, according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband: ſo that all effects and merchandizes which are not expreſsly before named, may, without any exception, and in perfect liberty, be tranſported by the ſubjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only, the places, which, at the ſame time, ſhall be beſieged, blocked or inveſted; and thoſe places only ſhall be held for ſuch, which are ſurrounded nearly by ſome of the belligerent powers.

ARTICLE XXV.

To the end that all diſſention and quarrel may be avoided and prevented, it has been agreed, that in caſe one of the two parties happens to be at war, the veſſels belonging to the ſubjects or inhabitants of the other ally ſhall be provided with ſea-letters or paſſports, expreſſing the name, the property and the burthen of the veſſel, as alſo the name and the place of abode of the maſter or commander of the ſaid veſſel; to the end that thereby it may appear, that the veſſel really and truly belongs to ſubjects or inhabitants of one of the parties; which paſſports ſhall be drawn and diſtributed according to the form annexed to this treaty.—Each time that the veſſel ſhall return, ſhe ſhould have ſuch her paſſport renewed; or, at leaſt, they ought not to be of more ancient date than two years, before the veſſel has been returned to her own country. It has been alſo agreed, that ſuch veſſels, being loaded,

loaded, ought to be provided not only with the ſaid paſſports or ſea-letters, but alſo with a general paſſport, or with particular paſſports, or manifeſts, or other public documents, which are ordinarily given to veſſels outward-bound, in the ports from whence the veſſels have ſet ſail in the laſt place, containing a ſpecification of the cargo, of the place from whence the veſſel departed, and of that of her deſtination; or, inſtead of all theſe, with certificates from the magiſtrates, or governors of cities, places, and colonies from whence the veſſel came, given in the uſual form, to the end that it may be known, whether there are any effects prohibited or contraband on board the veſſels, and whether they are deſtined to be carried to an enemy's country or not. And in caſe any one judges proper to expreſs in the ſaid documents, the perſons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omiſſion of ſuch expreſſion cannot, and ought not to cauſe a confiſcation.

ARTICLE XXVI.

If the veſſels of the ſaid ſubjects or inhabitants of either of the parties, ſailing along the coaſts, or on the high-ſeas, are met by a veſſel of war, or privateer, or other armed veſſel of the other party, the ſaid veſſels of war, privateers, or armed veſſels, for avoiding all diſorder, ſhall remain without the reach of cannon, but may ſend their boats on board the merchant veſſels which they ſhall meet in this manner, upon which they may not paſs more than two or three men, to whom the maſter or commander ſhall exhibit his paſſport, containing the property of the veſſel, according to the form annexed to this treaty: and the veſſel, after having exhibited ſuch a paſſport, ſea-letter, and other documents, ſhall be free to continue her voyage, ſo that it ſhall not be lawful to moleſt her, or ſearch her, in any manner, nor

nor to give her chace, nor to force her to alter her course.

ARTICLE XXVII.

It ſhall be lawful for merchants, captains, and commanders of veſſels, whether public and of war, or private and of merchants, belonging to the ſaid United States of America, or any of them, or to their ſubjects and inhabitants, to take freely into their ſervice, and receive on board of their veſſels, in any port or place in the juriſdiction of their High Mightineſſes aforeſaid, ſeamen or others, natives or inhabitants of any of the ſaid States, upon ſuch conditions as they ſhall agree on, without being ſubject, for this, to any fine, penalty, puniſhment, proceſs, or reprehenſion whatſoever.

And reciprocally, all merchants, captains, and commanders, belonging to the ſaid United Netherlands, ſhall enjoy in all the ports and places under the obedience of the ſaid United States of America, the ſame privilege of engaging and receiving ſeamen or others, natives or inhabitants of any country of the domination of the ſaid States General: provided, that neither on one ſide nor the other, they may not take into their ſervice ſuch of their countrymen who have already engaged in the ſervice of the other party contracting, whether in war or trade, and whether they meet them by land or ſea; at leaſt, if the captains or maſters under the command of whom ſuch perſons may be found, will not of their own conſent diſcharge them from their ſervice, upon pain of being otherwiſe treated and puniſhed as deſerters.

ARTICLE XXVIII.

The affair of the refraction ſhall be regulated in all equity and juſtice by the magiſtrates of cities reſpectively, where it ſhall be judged that there is any room to complain in this reſpect.

ARTI-

ARTICLE XXIX.

The preſent treaty ſhall be ratified and approved by their High Mightineſſes the States General of the United Netherlands, and by the United States of America; and the acts of ratification ſhall be delivered, in good and due form, on one ſide and on the other, in the ſpace of ſix months, or ſooner, if poſſible, to be computed from the day of the ſignature.

In FAITH of which, we the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Miniſter Plenipotentiary of the United States of America, in virtue of our reſpective authorities and full powers, have ſigned the preſent treaty, and appoſed thereto the ſeals of our arms.

DONE at the Hague, the Eighth of October, one thouſand ſeven hundred eighty-two.

(L. S.) GEORGE VAN RANDWYCK.
(L. S.) B. V. SANTHEUVEL.
(L. S.) P. VAN BLEISWYK.
(L. S.) W. C. H. VAN LYNDEN.
(L. S.) D. J. VAN HEECKEREN.
(L. S.) JOAN VAN RUFFELER.
(L. S.) T. G. VAN DEDEM, (Tot den Gelder)
(L. S.) H. TJASSENS.

(L. S.) JOHN ADAMS.

The

The FORM of the Paſſport which ſhall be given to Ships and Veſſels, in conſequence of the twenty-fifth Article of this Treaty.

To all who ſhall ſee theſe preſents, Greeting:

BE it known, that leave and permiſſion are hereby given to
maſter or commander of the ſhip or veſſel called of the burthen of tons, or thereabouts, lying at preſent in the port or haven of bound for and laden with to depart and proceed with his ſaid ſhip or veſſel on his ſaid voyage, ſuch ſhip or veſſel having been viſited, and the ſaid maſter and commander having made oath before the proper officer, that the ſaid ſhip or veſſel belongs to one or more of the ſubjects, people, or inhabitants of and to him or them only. In witneſs whereof, we have ſubſcribed our names to theſe preſents, and affixed the ſeal of our arms thereto, and cauſed the ſame to be counterſigned by
at this
day of in the year of our Lord Chriſt

FORM of the Certificate which ſhall be given to Ships or Veſſels, in conſequence of the twenty-fifth Article of this Treaty.

WE
magiſtrates or officers of the cuſtoms of the city or port of do certify and atteſt, that on the day of in

in the year of our Lord

C. D. of

personally appeared before us, and declared by solemn oath, that the ship or vessel called of tons or thereabouts, whereof of is at present master or commander, does rightfully and properly belong to him or them only: that she is now bound from the city or port of to the port of laden with goods and merchandizes hereunder particularly described and enumerated, as follows:

In witness whereof we have signed this certificate, and sealed it with the seal of our office, this day of in the year of our Lord Christ

---

FORM of the Sea-Letter.

MOST Serene, Serene, Most Puissant, Puissant, High, Illustrious, Noble, Honourable, Venerable, Wise and Prudent, Lords, Emperors, Kings, Republics, Princes, Dukes, Earls, Barons, Lords, Burgo-masters, Schepens, Counsellors, as also Judges, Officers, Justiciaries and Regents of all the good cities and places, whether ecclesiastical or secular, who shall see these presents, or hear them read.

WE, Burgo-masters and Regents of the city of make known, that the master of appearing before us, has declared upon oath, that the vessel called of the burthen of about lasts, which he at present navigates, is of the United Provinces, and that no subjects of the

the enemy have any part or portion therein, directly nor indirectly, ſo may God Almighty help him. And as we wiſh to ſee the ſaid maſter proſper in his lawful affairs, our prayer is to all the beforementioned, and to each of them ſeparately, where the ſaid maſter ſhall arrive with his veſſel and cargo, that they may pleaſe to receive the ſaid maſter with goodneſs, and to treat him in a becoming manner, permitting him, upon the uſual toll and expences in paſſing and repaſſing, to paſs, navigate, and frequent the ports, paſſes, and territories, to the end to tranſact his buſineſs where and in what manner he ſhall judge proper: whereof we ſhall be willingly indebted.

In witneſs and for cauſe whereof, we affix hereto the ſeal of this city.

(In the margin.)

By ordinance of the High and Mighty Lords the States General of the United Netherlands.

CONVEN-

CONVENTION

BETWEEN THE

LORDS the STATES-GENERAL

OF THE

UNITED NETHERLANDS

AND THE

UNITED STATES of AMERICA,

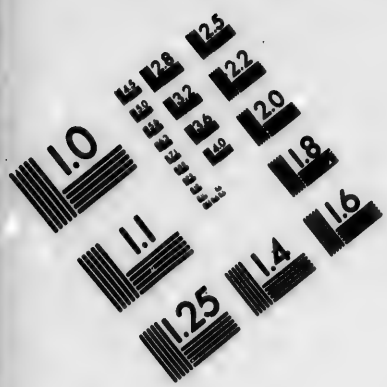
CONCERNING

VESSELS RECAPTURED.

The Lords the States General of the United Netherlands and the United States of America, being inclined to eſtabliſh ſome uniform principles with relation to prizes made by veſſels of war, and commiſſioned by the two contracting powers, upon their common enemies, and to veſſels of the ſubjects of either party captured by the enemy, and recaptured by veſſels of war commiſſioned by either party, have agreed upon the following articles.

ARTICLE I.

THE veſſels of either of the two nations re-captured by the privateers of the other, ſhall be reſtored to the firſt proprietor, if ſuch veſſels have not been four-and-twenty hours in the power of the enemy; provided the owner of the veſſel recaptured, pay therefor one-third of the value of the veſſel, as alſo of that of the cargo, the cannons and apparel; which third ſhall be valued by agreement between the parties intereſted; or, if they cannot agree hereon among themſelves, they ſhall addreſs themſelves



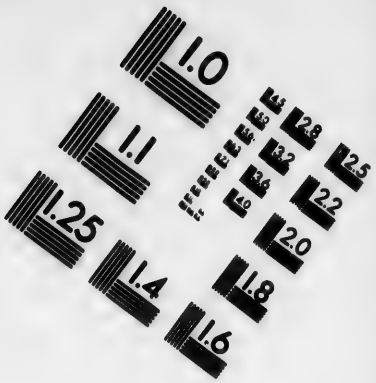
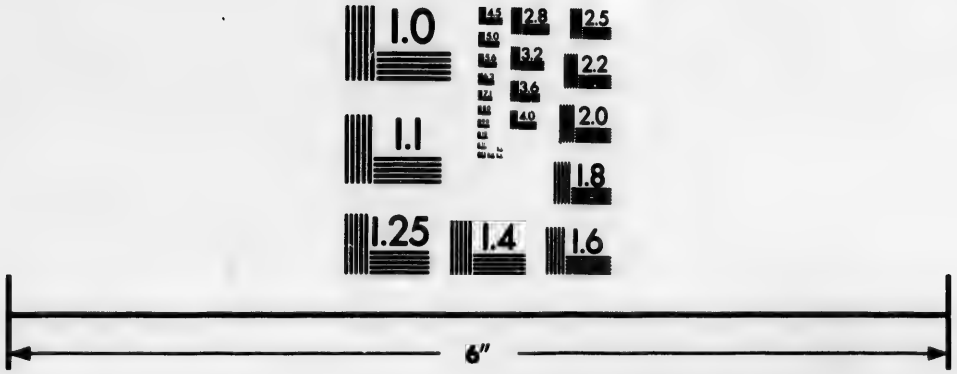


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

themſelves to the officers of the Admiralty of the place where the privateer who has retaken the veſſel, ſhall have conducted her.

ARTICLE II.

If the veſſel re-captured has been more than twenty-four hours in the power of the enemy, ſhe ſhall belong entirely to the privateer who has retaken her.

ARTICLE III.

In caſe a veſſel ſhall have been re-captured by a veſſel of war belonging to the States General of the United Netherlands, or to the United States of America, ſhe ſhall be reſtored to the firſt owner, he paying a thirtieth part of the value of the ſhip, her cargo, cannons and apparel, if ſhe has been re-captured in the interval of twenty-four hours, and the tenth part if ſhe has been re-captured after the twenty-four hours; which ſums ſhall be diſtributed, in form of gratifications, to the crews of the veſſels which ſhall have retaken her.

The valuation of the ſaid thirtieth parts, and tenth parts, ſhall be regulated according to the tenor of the firſt article of the preſent Convention.

ARTICLE IV.

The reſtitution of prizes, whether they may have been retaken by veſſels of war or by privateers, in the mean time, and until requiſite and ſufficient proofs can be given of the property of veſſels re-captured, ſhall be admitted in a reaſonable time, under ſufficient ſureties for the obſervation of the aforeſaid articles.

ARTICLE V.

The veſſels of war and privateers of one and of the other of the two nations ſhall be reciprocally, both in Europe and in the other parts of the world, admitted into the reſpective ports of each, with their prizes; which may be unloaded and ſold, according to the formalities uſed in the State where the

the prize shall have been conducted, as far as may be consistent with the twenty-second article of the Treaty of Commerce: provided always, that the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the United States of America.

ARTICLE VI.

Moreover, it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold, in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

In FAITH of which, we, the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

DONE at the Hague, the Eighth of October, one thousand seven hundred and eighty-two.

(L. S.) GEORGE VAN RANDWYCK.
(L. S.) B. V. SANTEUVEL.
(L. S.) P. V. BLEISWYK.
(L. S.) W. C. H. VAN LYNDEN.
(L. S.) D. I. VAN HEECKEREN.
(L. S.) JOAN VAN KUFFELER.
(L. S.) F. G. VAN DEDEM. (Tot den Gelder)
(L. S.) H. TJASSENS.
(L. S.) JOHN ADAMS.

AUTHENTIC COPY OF THE PROVISIONAL ARTICLES

SIGNED AT PARIS, NOVEMBER 30, 1782, BY THE COMMISSIONERS OF HIS BRITANNICK MAJESTY AND THE COMMISSIONERS OF THE UNITED STATES OF AMERICA.

ARTICLES agreed upon by and between RICHARD OSWALD, Esq. the Commissioner of his Britannick Majesty for treating of Peace with the Commissioners of the United States of America in behalf of his said Majesty on the one part, and JOHN ADAMS, BENJAMIN FRANKLIN, JOHN JAY, and HENRY LAURENS, four of the Commissioners of the said States for treating of Peace with the Commissioner of his said Majesty on their behalf on the other part, to be inserted in, and to constitute a treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of Peace shall be agreed upon between Great Britain and France; and his Britannick Majesty shall be ready to conclude such treaty accordingly.

WHEREAS

WHEREAS reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendſhip between States, it is agreed to form the Articles of the propoſed Treaty on ſuch principles of liberal equity and reciprocity, as that partial advantages, (thoſe ſeeds of diſcord) being excluded, ſuch a beneficial and ſatisfactory intercourſe between the two countries may be eſtabliſhed, as to promiſe and ſecure to both perpetual peace and harmony.

ARTICLE I.

His Britannick Majeſty acknowledges the ſaid United States, viz. New-Hampſhire, Maſſachuſett's-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be Free, Sovereign, and Independent States: that he treats with them as ſuch; and for himſelf, his heirs and ſucceſſors, relinquiſhes all claim to the government, propriety, and territorial rights of the ſame, and every part thereof: and that all diſputes which might ariſe in future, on the ſubject of the boundaries of the ſaid United States may be prevented, it is hereby agreed and declared, that the following are, and ſhall be their boundaries, viz.

ARTICLE II.

From the north-weſt angle of Nova-Scotia, viz. That angle which is formed by a line drawn due north from the ſource of St. Croix River to the Highlands, along the ſaid iſlands which divide thoſe rivers that empty themſelves into the River St. Lawrence from thoſe which fall into the Atlantic Ocean, to the north-weſternmoſt head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence

by a line due weſt on ſaid latitude, until it ſtrikes the River Iroquois or Cataraquy; thence along the middle of ſaid river into Lake Ontario, through the middle of ſaid Lake, until it ſtrikes the communication by water between that Lake and Lake Erie; thence along the middle of ſaid communication into Lake Erie, through the middle of ſaid Lake, until it arrives at the water communication between that Lake and Lake Huron; thence along the middle of ſaid water communication between that Lake and Lake Superior; thence through Lake Superior, northward of the Iſles Royal and Phelipeaux, to the Long Lake; thence through the middle of ſaid Long Lake, and the water communication between it and the Lake of the Woods, to the ſaid Lake of the Woods; thence through the ſaid Lake to the moſt north-weſtern point thereof, and from thence on a due weſt courſe to the River Miſſiſſippi; thence by a line to be drawn along the River Miſſiſſippi, until it ſhall interſect the northernmoſt part of the thirty-firſt degree of north latitude.—South, by a line to be drawn due eaſt from the determination of the line laſt mentioned in the latitude of thirty-one degrees north of the Equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence ſtrait to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean.—Eaſt, by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy, to its ſource; and from its ſource directly north, to the aforeſaid Highlands which divide the Rivers that fall into the Atlantic Ocean from thoſe which fall into the River St. Lawrence, comprehending all iſlands within twenty leagues of any part of the ſhores of the United States, and lying between lines to be drawn due eaſt from the points where the aforeſaid boundaries between Nova-Scotia on the one part,

and

and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of the said Province of Nova Scotia.

ARTICLE III.

It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other Banks of Newfoundland, and also in the Gulph of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays and creeks of all other of his Britannick Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV.

It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bonâ fide* debts heretofore contracted.

ARTICLE V.

It is agreed, that the Congreſs ſhall earneſtly recommend it to the Legiſlatures of the reſpective States, to provide for the reſtitution of all eſtates, rights and properties which have been confiſcated belonging to real Britiſh ſubjects; and alſo of the eſtates, rights and properties of perſons reſident in diſtricts in the poſſeſſion of his Majeſty's arms, and who have not borne arms againſt the ſaid United States: and that perſons of any other deſcription ſhall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmoleſted in their endeavours to obtain the reſtitution of ſuch of their eſtates, rights and properties as may have been confiſcated. And that Congreſs ſhall alſo earneſtly recommend to the ſeveral States a reconſideration and reviſion of all acts or laws regarding the premiſes, ſo as to render the ſaid laws or acts perfectly conſiſtent, not only with juſtice and equity, but with that ſpirit of conciliation which on the return of the bleſſings of peace ſhould univerſally prevail. And that Congreſs ſhall alſo earneſtly recommend to the ſeveral States, that the eſtates, rights and properties of ſuch laſt-mentioned perſons ſhall be reſtored to them; they refunding to any perſons who may be now in poſſeſſion the *bonâ fide* price (where any has been given) which ſuch perſons may have paid on purchaſing any of the ſaid lands or properties ſince the confiſcation.

And it is agreed, that all perſons who have any intereſt in confiſcated lands either by debts, marriage-ſettlements, or otherwiſe, ſhall meet with no lawful impediment in the proſecution of their juſt rights.

ARTICLE VI.

That there ſhall be no future confiſcations made, nor any proſecutions commenced againſt any perſon

ſon or perſons for or by reaſon of the part which he or they may have taken in the preſent war; and that no perſon ſhall on that account ſuffer any future loſs or damage, either in his perſon, liberty or property; and that thoſe who may be in confinement on ſuch charges at the time of the ratification of the treaty in America, ſhall be immediately ſet at liberty, and the proſecutions ſo commenced be diſcontinued.

ARTICLE VII.

There ſhall be a firm and perpetual peace between his Britannick Majeſty and the ſaid States, and between the ſubjects of the one and the citizens of the other: wherefore all hoſtilities both by ſea and land ſhall then immediately ceaſe; all priſoners on both ſides ſhall be ſet at liberty; and his Britannick Majeſty ſhall with all convenient ſpeed, and without cauſing any deſtruction or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garriſons, and fleets from the ſaid United States, and from every port, place, and harbour within the ſame; leaving in all fortifications the American artillery that may be therein: and ſhall alſo order and cauſe all archives, records, deeds, and papers belonging to any of the ſaid States, or their citizens, which in the courſe of the war may have fallen into the hands of his officers, to be forthwith reſtored and delivered to the proper States and perſons to whom they belong.

ARTICLE VIII.

The navigation of the Miſſiſippi, from its ſource to the ocean, ſhall for ever remain free and open to the ſubjects of Great Britain, and the citizens of the United States.

ARTICLE

ARTICLE IX.

In case it should so happen, that any place or territory belonging to Great Britain, or to the United States, should be conquered by the arms of either from the other, before the arrival of these Articles in America; it is agreed, that the same shall be restored without difficulty; and without requiring any compensation.

DONE at Paris, the Thirtieth day of November, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD, (L. S.)
JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)
HENRY LAURENS, (L. S.)

Witness, CALEB WHITEFOORD, Secretary to the British Commission.
W. S. FRANKLIN, Secretary to the American Commission.

FINIS.